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Conservation
Service



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FOREWORD

Congress, through the Federal Water Pollution Control Act Amendments, has challenged Americans to make our waters fishable and swimmable. The task of cleaning up the Nation's polluted rivers and lakes is especially challenging because pollution comes from so many different sources.

The Rural Clean Water Program is a response to that challenge. It is an effort to control nonpoint source pollution by providing technical assistance and cost sharing to help reduce agricultural pollution to improve water quality.

Nonpoint pollution is diverse. In some places the worst pollutant is animal waste; in others, it is salty irrigation return flows. Nationwide the biggest pollutant, by volume, is sediment. In addition, sediment frequently carries other pollutants into our waters, such as fertilizers and pesticides.

A small percentage of the land in many watersheds contributes most of the nonpoint pollution. Working with the U.S. Environmental Protection Agency, the Soil Conservation Service and other USDA agencies are helping Water Quality Management (208) planning agencies and soil conservation districts identify the areas that contribute the most pollution. Together, we are carefully designing strategies and selecting practices tailored to control water pollution.

The success of the Rural Clean Water Program can be measured in terms of its effect on the environment and its important indirect effects on people. The ultimate result of the program will be its effect on the environment that will be enjoyed by future generations. It is for tomorrow as well as today that this challenge will be met.

R. M. DAVIS
Administrator
Soil Conservation Service

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NATIONAL RURAL CLEAN WATER PROGRAM MANUAL

PART 500 GENERAL

SUBPART A - INTRODUCTION

500.2

§500.0 Purpose.

This manual sets forth the policy and procedures to carry out the Rural Clean Water Program (RCWP). The regulations, Title 7-Agriculture, Part 634 - Rural Clean Water Program Code of Federal Regulations (7 CFR 634), have been incorporated in the manual for the convenience of the user. They are indented and shown in quotations.

§500.1 Regulations applicable to purpose and scope.

"§634.1 Purpose and scope.

(a) The purpose of this Part is for the U.S. Department of Agriculture (USDA), with the concurrence of the U.S. Environmental Protection Agency (EPA), to set forth regulations to carry out a Rural Clean Water Program (RCWP) under Section 35, Public Law 95-217; 91 Stat. 1579; 33 U.S.C. 1288.

(b) The Rural Clean Water Program provides financial and technical assistance to private land owners and operators (participants) having control of rural land. The assistance is provided through long-term contracts (5 to 10 years) to install best management practices (BMPs) in project areas which have critical water quality problems resulting from agricultural activities. The proposed project area must be within a high priority area in an approved agricultural portion of a 208 water quality management plan. Participation in RCWP is voluntary.

(c) The program is a new USDA program and an extension of existing water-quality management programs of EPA."

§500.2 Objective.

Regulations applicable to program objective:

"§634.2 Objective.

The RCWP is designed to reduce agricultural nonpoint source pollutants to improve water quality in rural areas to meet water quality standards or water quality goals.

500-1

500.2

The objective is to be achieved in the most cost-effective manner possible in keeping with the provision of adequate supplies of food and fiber and a quality environment."

§500.3 Highlights.

(a) Program description. The Rural Clean Water Program is a voluntary program authorized by Congress in 1977 to apply best management practices (BMP's) on privately owned rural land in selected areas. Land owners or operators in eligible project areas may enter into 5- to 10-year contracts to receive cost sharing and technical assistance to apply these practices to help control water pollution resulting from agriculture-related activities. Contracts may be signed until September 30, 1988.

(b) Areas eligible for RCWP projects. Each state has developed "208" water quality management (WQM) plans that identify rural areas that are contributing to water pollution within the states. From these areas, the governor or the governor's designee selects potential RCWP projects. With the assistance of a State Rural Clean Water Coordinating Committee (SRCWCC) and following public meetings, the governor decides in which order these projects are to be developed. The governor recommends an administering agency for the potential RCWP projects and authorizes RCWP applications to be completed.

(c) Eligible participants. Any land owner or operator in an approved RCWP project area who develops and submits an acceptable water quality plan for a farm or ranch to the conservation district and signs a contract with the administering agency is eligible to participate in RCWP. Assistance to develop the WQ plan is available from the Soil Conservation Service (SCS), conservation districts, and others.

(d) Administering agencies. The State soil conservation agency, State water quality agency, or conservation district is to be the administering agency for the RCWP project if practicable. If none of these are designated, USDA is to administer the program and SCS, which has program leadership for USDA, is to transfer funds to the Agricultural Stabilization and Conservation Service (ASCS) to administer part of the program.

(e) State Rural Clean Water Coordinating Committee (SRCWCC).

(1) The SCS state conservationist is the chairperson of the SRCWCC. The other members include designated representatives of the:

- State soil conservation agency
- State water quality agency
- Areawide water quality agencies

500-2

500.4(a)

- Soil conservation districts
- Agricultural Stabilization and Conservation Service (ASCS)

(2) The governor may appoint other State and local agencies or individuals to the SRCWCC.

(3) Other agency members of the National RCWCC that will participate on the SRCWCC as appropriate are:

- Forest Service (FS)
- Farmers Home Administration (FmHA)
- Science and Education Administration (SEA)
 - Cooperative Extension Service (CES)
 - Agricultural Research (AR)
 - Cooperative Research (State Experiment Stations) (CR)
- Economics, Statistics, and Cooperatives Service (ESCS)
- Environmental Protection Agency (EPA)

(f) Projects in more than one State. If an RCWP project area includes parts of more than one State, the chairpersons of the SRCWCC's for each state are to agree on who will take leadership for program coordination.

(g) Best management practices. The state or areawide water quality management (WQM) plans include the best management practices (BMP's) needed to control water pollution. The BMP's included in the RCWP application must be consistent with the WQM plan. There is no national list of eligible BMP's. Generally, many conservation practices that have been used for years will qualify as BMP's if they prevent sediment and other pollutants from getting into the water. These include practices such as planting grass on critically eroding areas, conservation tillage, and agricultural waste management systems.

(h) Cost-share levels. The Secretary of Agriculture is authorized to pay as much as 50 percent of the land user's cost of applying BMP's. This may be increased if there are significant offsite public benefits and the lower cost-share level will place a burden on the participant that will prevent participation in the RCWP.

(i) Maximum Federal cost share. The maximum Federal cost share per participant is \$50,000. When an RCWP contract is approved, the full amount of cost-share funds are set aside for the contract.

§500.4 Manual supplements.

(a) Policy. SCS state conservationists may supplement this manual to add to, interpret, expand, or clarify the relationships of existing Federal, State, or local policy or regulations to the RCWP. These supplements are not to deviate from basic policy without the approval of the SCS Administrator.

500.4(b)

(b) Procedure. Supplements are to be prepared and distributed as prescribed by SCS Directives System procedures. In addition, copies of supplements should be sent to the appropriate SCS technical service center and other cooperating units of governments or agencies who maintain copies of the manual.

§500.5 Implementation of Section 208 plans.

(a) Relationship to Section 208 plans. There is a close relationship between 208 water quality planning and the Rural Clean Water Program (RCWP). Section 208 of Public Law 92-500 establishes a process to plan and implement a program to reduce pollutants from all point and nonpoint sources. The RCWP is one means by which the agricultural nonpoint source pollution portion of a "208" water quality management plan may be implemented in the most critical areas.

(b) Section 208 plan requirements. EPA requires that a "208" plan will, as a minimum:

(1) Identify and evaluate agricultural nonpoint source pollution problems. The assessment should identify the extent of those agricultural nonpoint source pollutants, including sediment, nutrients, toxic chemicals, pathogens, salinity, and animal waste, that are causing water quality problems. It should identify polluted waters by water bodies, stream segment, underground water strata, etc.

(2) Identify agricultural nonpoint source problem areas.

(3) Identify best management practices (BMP's) to control the agricultural nonpoint source pollution.

(4) Provide an environmental evaluation, including a description of the social, economic, and environmental effects of implementing the plan.

(5) Designate a management agency to implement the agricultural portion of the "208" plan.

(6) Include a plan (work program) and a schedule for control of agricultural nonpoint source pollution.

(7) Insure that resources are or can be made available to manage an agricultural nonpoint source pollution control program.

(8) Provide for continuing planning. EPA regulations contained in 40 CFR 35 require states to develop a continuing planning process to keep state and areawide water quality management plans current. The state program sets out a strategy, major objectives, and priorities to prevent and control pollution for a 20-year period in 5-year increments. That strategy is reviewed annually and revised as necessary.

§500.6 Relationship to other programs.

RCWP may be used in conjunction with other cost-share programs if there are no specific prohibitions against this in the other program. However, the law prohibits duplicate payments for the same contract item (BMP) under two or more Federal cost-shared programs such as RCWP, the Great Plains Conservation Program (GPCP), the Rural Abandoned Mine Program (RAMP), or the Agricultural Conservation Program (ACP). If State or local cost share payments are made for the same item, the total cost share may not exceed 100 percent of the landuser's cost.

§500.7 Program phases.

(a) Information and public participation phase. Because RCWP is voluntary, its success depends on information and public participation. The RCWP informational and public participation program should build on the programs initiated during the development of the 208 WQM plan. Potential participants and concerned agencies and groups must be informed about the key provisions of the program. This is a major responsibility of the Local Rural Clean Water Coordinating Committee (LRCWCC). The objectives of the program can be met only if landusers participate and apply the BMP's on their land. This phase should begin well before the other two phases and continue through the duration of the project.

(b) Project application phase. Adequate funding is not anticipated to be available to apply all needed BMP's on each farm or ranch. Therefore, RCWP provides technical and financial cost-share assistance for selected area where pollution is most critical. The governor or designee is to submit applications for RCWP projects according to the priority of problem areas identified in the "208" plan.

(c) Project implementation phase. Projects are implemented by carrying out long-term contracts to install BMP's according to individual farm or ranch water quality plans.

§500.10 Regulations applicable to program administration.

"§634.3 Administration.

At the national level, the Secretary of Agriculture, with the concurrence of the Administrator, EPA, administers RCWP. The Secretary of Agriculture has delegated responsibility for administration of the program (43 CFR 8252) to the Administrator, Soil Conservation Service (SCS). SCS will be assisted by other USDA agencies in accordance with existing authorities.

(a) A National Rural Clean Water Coordinating Committee (NRCWCC), chaired by the Administrator, SCS, is to assist in carrying out the Rural Clean Water Program.

(b) At the State level, a State Rural Clean Water Coordinating Committee (SRCWCC) is to assist the State Conservationist, SCS, in administering the program. The State Conservationist will chair the SRCWCC.

(c) To assure coordination at the project level, a local Rural Clean Water Coordinating Committee (LRCWCC) is to be established at the time the application is developed. An existing local committee may be used, where practicable, to perform the functions of this committee.

(d) The Administrator, SCS, through the State Conservationists, SCS, is to enter into agreements, where practicable, with soil conservation districts, State soil and water conservation agencies, or State water quality agencies to administer all or part of the program for a project area. That portion of program administration to be conducted by these agencies will be defined in the project application and grant agreement. Where this is not practicable, USDA will administer the program in a project area. In those instances where USDA retains administration of the program in a project area, SCS will enter into agreements for the transfer of funds to the Agricultural Stabilization and Conservation Service (ASCS) for the administration of part of the program."

§500.11 Approval of administering agency and relationship with water quality management agencies.

(a) Approval of administering agency. The agency to administer all or part of an RCWP project is to be approved by the SCS Administrator by the following process:

500.11(a)(1)

(1) SRCWCC recommends administering agency to SCS state conservationist.

(2) Governor and SCS state conservationist agree on the recommended administering agency to be included in the project application.

(3) USDA, through the SCS Administrator, enters into grant agreements with appropriate State or local agencies or allocates funds to ASCS to administer all or part of the program.

(b) Relationship of RCWP administering agency to water quality management agency. The management agency is responsible for administration of the Section 208 water quality management plan, of which RCWP is a part. The administering agency is responsible for administering RCWP and works closely with the management agency.

(c) Dual role. A management agency may, as appropriate, serve as an administering agency.

§500.12 Environmental impact statement (EIS) requirement.

(a) The program RCWP environmental impact statement (EIS) satisfies the National Environmental Policy Act (NEPA) requirements for most RCWP projects. In extraordinary circumstances where the SCS state conservationist, as the responsible Federal official, determines that the program EIS does not adequately cover the proposed action, the SCS state conservationist is to prepare a project EIS to accompany the RCWP application. Follow the procedures for complying with NEPA in Title 7 of the Code of Federal Regulations (7 CFR 650).

(b) A statement by the responsible Federal official that environmental concerns have been adequately considered and that a separate EIS is not needed is to be included as an attachment to the RCWP application.

§500.20 Agencies and committees with RCWP responsibilities.

- Environmental Protection Agency (EPA)
- United States Department of Agriculture (USDA)
 - Soil Conservation Service (SCS)
 - Agricultural Stabilization and Conservation Service (ASCS)
 - Forest Service (FS)
 - Science and Education Administration (SEA)
 - Economics, Statistics, and Cooperatives Service (ESCS)
 - Farmers Home Administration (FmHA)
- Local Rural Clean Water Coordination Committee (LRCWCC)
- State Rural Clean Water Coordinating Committee (SRCWCC)
- National Rural Clean Water Coordination Committee (NRCWCC)
- State soil and water conservation agencies
- State 208 water quality agencies
- Soil conservation districts
- County ASCS committees
- Designated management agencies
- Administering agencies
- Governors

§500.21 Regulations applicable to responsibilities.

"§634.4 Responsibilities.

(a) Environmental Protection Agency (EPA) will:

- (1) Approve 208 water quality management plans,
- (2) Participate in the National and State Rural Clean Water Coordinating Committees,

500.21

(3) Review and concur in project applications approved for funding in accordance with Section 634.14,

(4) Advise the Secretary of Agriculture of practices which tend to defeat the purposes of contracts with rural land owners or operators in accordance with Section 208(j)(1)(iv) of the Act,

(5) Assist USDA in evaluating the effectiveness of the program in improving water quality, and

(6) Concur in the selection of project areas and the criteria for comprehensive, joint USDA-EPA water quality monitoring, evaluation, and analysis in accordance with Section 634.50.

(b) United States Department of Agriculture (USDA) will:

(1) With the concurrence of EPA, administer a program to enter into contracts to install and maintain best management practices to control agricultural nonpoint source pollution for improved water quality,

(2) Act through SCS and such other USDA agencies as the Secretary may designate,

(3) Provide technical assistance and share the cost of carrying out best management practices that are set forth in the contracts,

(4) Where practicable, enter into agreements with soil conservation districts, State soil and water conservation agencies, or State water quality agencies to administer all or part of the program for a project area,

(5) Administer the program where it is not practicable for soil conservation districts, State soil and water conservation agencies, or State water quality agencies to administer all or part of the program for a project area,

(6) Together with local soil conservation districts, determine the priorities for assistance to individual participants to assure that the most critical water quality problems are addressed,

(7) Assist in evaluating the overall effectiveness of the program in improving water quality, and

500-10

(8) Within the framework of the 208 planning process, make additional investigations or plans, where necessary, to supplement information contained in the approved agricultural portion of 208 water quality management plans for the purpose of selecting among projects to be funded.

(c) Soil Conservation Service (SCS) will:

(1) Provide RCWP leadership,

(2) Retain major technical responsibility for RCWP, and provide leadership to assure the adequacy of standards and specifications for use by all administering agencies,

(3) Manage budgeting, accounting, and reporting,

(4) Chair NRCWCC and assure that RCWP applications are distributed to the NRCWCC, including EPA, for review,

(5) For the Secretary of Agriculture, with the concurrence of the Administrator, EPA, approve RCWP projects for funding,

(6) For the Secretary of Agriculture, select and enter into agreements with either soil conservation districts, State soil and water conservation agencies, or State water quality agencies, where practicable, to administer all or part of the program,

(7) Enter into fund transfer agreements to transfer funds to ASCS in those instances where the administration of contracts is retained by USDA,

(8) Enter into agreements with other USDA agencies, as appropriate, for support which they are to provide,

(9) Chair SRCWCC,

(10) For the Secretary of Agriculture, in coordination with NRCWCC, determine the maximum Federal contribution to the total cost of the project,

(11) Provide technical assistance through soil conservation districts or arrange for other Federal, State, local agencies, or private individuals or firms to provide technical assistance as appropriate,

500.21

(12) Provide technical assistance to soil conservation districts and County Agricultural Stabilization and Conservation (ASC) Committees to assist them in determining priorities of assistance among individual participants,

(13) Develop appropriate technical and administrative training programs,

(14) Provide leadership for USDA for comprehensive joint USDA-EPA water quality monitoring, evaluation, and analysis in selected project areas,

(15) Provide leadership for USDA in evaluating the effectiveness of the program in improving water quality,

(16) Carry out the function of soil conservation districts for approving water quality plans where no soil conservation district exists, and

(17) Through the State Conservationist, after considering recommendations of the SRCWCC, reach agreement with the governor on the recommended administering agency to be included in the project application.

(d) The Agricultural Stabilization and Conservation Service (ASCS) will:

(1) Provide guidance to State and County ASC Committees and coordinate the Agricultural Conservation Program (ACP) and the Forestry Incentives Program (FIP) with RCWP,

(2) Where the administration of contracts is retained by USDA, enter into agreements with SCS for the transfer of funds to be allocated to County ASC Committees,

(3) Consolidate reports of the annual cost-share disbursements made by the State ASC Committee, and report these disbursements to SCS,

(4) Furnish data on land use, crop history, and cost-shared conservation measures,

(5) Review plans and contracts to assure coordination with other farm programs, and

(6) Participate on the National, State, and local coordinating committees.

500-12

SUBPART B - RESPONSIBILITIES

520.21

(e) The Forest Service (FS) will:

(1) Retain technical responsibility for forestry,

(2) Provide technical assistance through the State forestry agency (State Forester as appropriate) for planning, applying, and maintaining forestry best management practices, and

(3) Participate on the National, and as appropriate, State, and local coordinating committees.

(f) The Science and Education Administration (SEA) will:

(1) Develop, implement, and coordinate educational programs for agricultural nonpoint source water pollution control,

(2) Participate on the National, and as appropriate, State, and local coordinating committees, and

(3) Provide technical assistance for appropriate BMPs.

(g) The Economics, Statistics and Cooperatives Service (ESCS) will:

(1) Participate on the National coordinating committee and, as appropriate, participate in State, and local coordinating committee activities,

(2) Assist in the economic evaluation of best management practices and RCWP projects,

(3) Make data available from existing and planned ESCS surveys relating to water quality and related matters,

(4) Assist in RCWP evaluation by making available the ESCS land and water resource economic modeling systems, and

(5) Conduct socioeconomic research, within ESCS authorities and funds, on relevant policy and program issues pertinent to RCWP.

(h) The Farmers Home Administration (FmHA) will:

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PART 500 GENERAL

500.21

(1) Participate on the National, and as appropriate, State and local coordinating committees, and

(2) Provide assistance and coordinate their farm loan and grant programs with RCWP.

(i) The NRCWCC is chaired by the Administrator, SCS. Other members of the National Committee are the Administrators of ASCS, FmHA, and ESCS; the Chief of FS; the Director of SEA; and the Assistant Administrator for Water and Waste Management, EPA. Nonfederal agencies such as conservation districts, State soil and water conservation agencies, State water quality agencies, and other organizations are invited to attend as observers. The duties of the Committee are to:

(1) Coordinate individual agency programs with the Rural Clean Water Program,

(2) Recommend to the Administrator, SCS, the project applications to be funded,

(3) Advise the Administrator, SCS, on the maximum Federal contribution to the total cost of the project,

(4) Assist the Administrator, SCS, in mediating agency differences at the State level,

(5) Periodically advise the Secretary and Assistant Secretary for Conservation, Research and Education of program and policy issues, and

(6) Recommend project areas and criteria for comprehensive, joint USDA/EPA water quality monitoring, evaluation, and analyses.

(j) The SRCWCC is chaired by the State Conservationist, SCS. Other members of the State Committee are the State 208 water quality agency, a designated representative of the areawide agencies, the State soil and water conservation agency, a designated representative of soil and water conservation districts, other State and local agencies or individuals as the Governor deems appropriate, and representatives of the agency members of the NRCWCC. The duties of the Committee are to ensure that a process exists:

(1) To consult with the Governor or his designee on the Governor's determination of priority project areas,

500.21

(2) To assure coordination of activities at the project level by assisting in determining the composition and responsibilities of the local rural clean water coordinating committee,

(3) To prepare the RCWP applications for the Governor to submit to the State Conservationist, SCS, based on priorities established by the Governor,

(4) To incorporate adequate public participation, including public meeting(s), and appropriate environmental assessment in the preparation of RCWP applications,

(5) To monitor and evaluate the RCWP in the State and to assist USDA and EPA in their comprehensive, joint water quality monitoring and evaluation of selected project areas in accordance with Section 634.50,

(6) To develop procedures for coordination between conservation districts and County ASC Committees and between RCWP and other water quality programs at the local level,

(7) To assist the State Conservationist, SCS, in mediating agency differences at the local level,

(8) To initiate a written agreement setting forth any or all of the above activities when the Governor and the Secretary of Agriculture or his designee deem it appropriate, and

(9) To make recommendations to the State Conservationist, SCS, concerning the selection of the administering agency to be included in the project application.

(k) The State soil and water conservation agency will, as appropriate:

(1) Assist in preparing and submitting applications for RCWP,

(2) Administer all or part of the RCWP for a project area,

(3) Carry out the responsibilities of soil conservation districts for determining priority for assistance among individual participants where no soil conservation district exists, and

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500.21

(4) Participate on the State and local coordinating committees.

(1) The State 208 water quality agency will, as appropriate:

(1) Assist in preparing and submitting applications for rural clean water projects,

(2) Administer all or part of the RCWP for a project area,

(3) Participate on the State and local coordinating committees, and

(4) Assist in monitoring and evaluating the water quality effectiveness of projects.

(m) The soil conservation district will:

(1) As appropriate, assist in the preparation and submission of applications for rural clean water projects,

(2) As appropriate, administer all or part of the RCWP in a project area,

(3) As appropriate, participate on the local coordinating committees,

(4) Approve participants' water quality plans, and

(5) Together with the County ASC Committee, determine the priority for assistance among individual participants to assure that the most critical water quality problems are addressed.

(n) The County ASC Committee will:

(1) Together with the soil conservation district, determine the priority for assistance among individual participants to assure that the most critical water quality problems are addressed,

(2) Receive applications for assistance from individual participants where USDA retains administration of the program,

(3) Make cost-share payments to individual participants where USDA retains administration of the program, and

(4) As appropriate, participate on the local coordinating committees.

(o) The designated management agency(s) for the agricultural portion of a 208 plan for the project area will:

(1) Assist in preparing and submitting an application for a rural clean water project in an area for which they were designated,

(2) Submit a letter, as part of the project application, certifying that the BMPs proposed for cost sharing are consistent with the BMPs in the approved 208 plan,

(3) Submit a letter, including a schedule, giving assurance that an adequate level of participation in the project will be achieved within 5 years, and

(4) As appropriate, serve as the administering agency.

(p) The administering agency will:

(1) As appropriate, enter into a grant agreement or fund transfer agreement with the Soil Conservation Service for:

(i) Receiving funds from the Soil Conservation Service for administrative costs, cost sharing, and technical assistance, as appropriate, associated with carrying out the project,

(ii) Establishing detailed work schedules in accordance with the approved project application,

(iii) Establishing the maximum amount of administrative costs chargeable to the grant,

(iv) Establishing an adequate financial management system,

(v) Preparing a cost allocation plan,

(vi) Monitoring and reporting performance,

(vii) Reviewing applications for assistance from land owners or operators,

500.21

(viii) Certifying availability of funds, and

(ix) Complying with OMB Circular A-102 and other appropriate regulations,

(2) Enter into contracts with participants for the installation and maintenance of BMPs based on water quality plans developed by participants,

(3) Make cost-share payments to participants upon receipt of certification by SCS,

(4) Issue modifications to participant RCWP contracts,

(5) Develop average cost rates for each practice applicable in the project area,

(6) Sample and inspect materials used in the installation of BMPs,

(7) Establish a contract violations and appeals and collections process,

(8) Provide for public involvement in the implementation of RCWP in a project area, and maintain a mailing list of interested individuals and organizations for informing the public about the activities contemplated and carried out in the project area, and

(9) Maintain records, provide necessary facilities, personnel, and legal counsel for carrying out these responsibilities.

(q) The Governor of each State will:

(1) In order to qualify for assistance under RCWP:

(i) Establish priorities for RCWP project areas in the State,

(ii) Coordinate the development of RCWP project applications with the SRCWCC and local agencies,

(iii) Submit, in order of priority, RCWP project applications to the Administrator, SCS, through the State Conservationist, SCS, and

(iv) Recommend an eligible State or local agency to serve as the administering agency of the project, or request USDA to be the administering agency.

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500.22(b)(4)

(2) Where appropriate, with the State Conservationist, SCS, set forth the activities of the SRCWCC in a written agreement,

(3) Assign additional State and local agencies or individuals to membership on the SRCWCC, as appropriate, and

(4) Reach agreement with the State Conservationist, SCS, in selecting the administering agency."

§500.22 Responsibilities by SCS offices.

(a) National Office. The SCS Administrator serves as the USDA liaison to the Environmental Protection Agency (EPA) and chairs the National Rural Clean Water Coordinating Committee (NRCWCC).

(1) The Deputy Administrator for Programs provides general national program leadership for RCWP and insures that program operation is coordinated with other USDA agencies and with EPA.

(2) The Assistant Administrator for Water Resources develops, maintains, and evaluates program operating procedures and coordinates program assistance from the National Office and technical service center staffs.

(3) The Deputy Administrator for Technical Services provides national program leadership to develop and coordinate the technical aspects of the program.

(4) The assistant administrator for field services provides technical support for the program and coordinates needed technical assistance from the national and technical service center staffs.

(5) The Deputy Administrator for Management provides program management and evaluation support and coordinates contracting, financial, and personnel support.

(b) Technical service centers. The TSC director is responsible for:

(1) Maintaining liaison with EPA regional administrators.

(2) Assisting SCS state offices provide technical training.

(3) Assisting in water quality monitoring and evaluation.

(4) Assisting with evaluating program effectiveness through reviews and inspections.

500.22(b)(5)

(5) Assisting in the review and comments on RCWP applications as appropriate.

(6) Assisting in developing standards and specifications for best management practices.

(c) State offices. The SCS state conservationist is responsible for carrying out RCWP in accordance with this manual, including:

(1) Maintaining liaison with the State and areawide water quality agencies and the regional administrator of EPA.

(2) Maintaining liaison with the EPA regional administrator on matters relating to the state water quality management program.

(3) Serving as chairman of the State Rural Clean Water Coordinating Committee.

(4) Providing appropriate program and technical training for SCS and other employees.

(5) Helping to inform the public about the program and helping provide for public participation.

(6) Granting funds to administering agencies within the state and maintaining adequate program controls.

(7) Providing adequate program and technical guidance to carry out the program.

(8) Inspecting and evaluating program progress.

(d) Area offices. The area conservationist is to provide program leadership, management, training, technical support, and adequate review controls to appropriate district conservationists.

(e) Field offices. District conservationists in applicable counties are responsible for:

(1) Providing program information to potential participants and the general public in cooperation with the administering agency.

(2) Reviewing and evaluating RCWP contract applications for program assistance with the conservation district (CD) and county ASC committee.

(3) Providing appropriate technical assistance to participants to develop an adequate water quality plan and contract according to priorities assigned by the CD and county ASC committee.

500.23(c)(3)(i)

(4) Scheduling appropriate technical assistance with the participant for applying planned treatment in accordance with the RCWP contract.

(5) Certifying practices completed according to specifications and helping the participant forward requests for cost-sharing payments to the contracting officer.

(6) Reviewing status of all active RCWP contracts.

(7) Completing and maintaining program records and reports required by USDA.

§500.23 Responsibilities of the Local Rural Clean Water Coordinating Committee (LRCWCC).

(a) Establishment. LRCWCC's are to be established by the SRCWCC when an RCWP project application is developed.

(b) Membership. The membership of the LRCWCC is to be defined by the SRCWCC. Membership may include, but is not limited to, representatives of the following:

(1) Soil Conservation Service (district conservationist acts as chairperson).

(2) Conservation district board.

(3) ASC county committee.

(4) Extension Service.

(5) Farmers Home Administration.

(6) State forestry service.

(7) Local environmental control board.

(8) State conservation agency.

(c) Duties. The duties of the LRCWCC will be established by the SRCWCC and may include providing leadership for:

(1) Development of the project application.

(2) Public participation.

(3) Project coordination.

(i) Develop strategy for implementation using various USDA agencies, local conservation and pollution control agencies, and other local interested groups.

500.23(c)(3)(ii)

- (ii) Enlist resources from other agencies and local groups.
- (iii) Conduct informational activities relating to project.
- (iv) Develop plan for ASC county committee and conservation district to establish priorities for participants' applications.
- (v) Assist with development of an adequate plan for project monitoring and evaluation.

SUBPART A - PROJECT ELIGIBILITY

501.0

§501.0 Regulations applicable to project eligibility.

"§634.10 Applicability.

RCWP is applicable in project areas that meet the criteria for eligibility contained in §634.12 and are authorized for funding by the Administrator, SCS.

§634.11 Availability of funds.

(a) The provisions of the program are subject to the appropriation of funds by Congress to the U.S. Department of Agriculture.

(b) The allocation of funds to the administering agencies is to be made on the basis of the total funds needed to carry out the project.

(c) The obligation of Federal funds for RCWP contracts with participants is to be made on the basis of the total contract costs.

§634.12 Eligible project areas.

(a) Only those project areas which are included in an approved agricultural portion of a 208 water quality management plan, or revised portions thereof, and have identified agricultural non-point source water quality problems are eligible for authorization under RCWP. Those critical areas or sources of pollutants significantly contributing to the water quality problems are eligible for financial and technical assistance.

(b) The management agency(s) designated by the Governor under Section 208(c)(1) of the Act to implement the agricultural portion of the 208 plan must assure in writing in the project application that there will be an adequate level of participation by land owners or operators with critical areas or sources in a project area.

(c) An RCWP project area is a hydrologically related land area. Exceptions may be made for ease of administration, or to focus on concentrated critical areas. To be designated as an RCWP project area eligible for authorization, the area's water quality problems must be related to agricultural nonpoint source pollutants,

501-1

501.0

including sediment, animal waste, irrigation return flows, runoff, or leachate that contain high concentrations of nitrogen, phosphorus, dissolved solids, toxics (pesticides and heavy metals), or high pathogen levels. Generally, the project areas will be less than 200,000 acres."

§501.1 Exception to hydrologic boundary and acreage criteria.

The SCS Administrator may grant exceptions to both the hydrologic boundary and the acreage criteria if the project application documents bonified reasons for doing so. Exceptions to the hydrologic boundary delineation may be made to focus project activities on certain concentrated critical sources or areas that do not conform to hydrologic areas. For example, the source of water pollution may be concentrated on a particular soil type that crosses hydrologic boundaries. Critical areas or sources may be in a relatively small part of a large hydrologic area such as intensively farmed areas of fine textured soil within the drainage area of a lake, stream, or river, or in areas with concentrations of dairies or animal feeding operations without adequate waste disposal systems. Priority will be given to smaller project areas where the resources of the participating agencies can be concentrated and focused on solving the water quality problems. Projects should be large enough to permit efficient use of available resources yet small enough that the objectives can be achieved within the duration of the project.

§501.2 Adequate level of participation.

The management agency is responsible for insuring that an adequate level of participation can be reached. Participation is adequate when participants having control of 75 percent of the identified critical area or source of the pollution problem in the project area are treated or under contract to be treated. Exceptions may be made if the approved agricultural portion of the 208 plan provides data and analyses that indicate that a greater or lesser percentage of the critical area or source treated is needed to attain water quality goals. Fifty percent of the adequate level of participation is to be achieved within 3 years; the remainder within 5 years.

§501.10 Regulations applicable to project applications and priorities.

"§634.13 Project applications.

(a) The SRCWCC is to assure that a process exists to prepare the RCWP project applications for submission by the governor in order of priority to the Administrator, SCS, through the State Conservationist, SCS. This process must include the opportunity for public participation, especially participation by potential RCWP participants. Applications will be submitted in conformance with OMB Circular A-95.

(b) The preparation and submission of applications are to be based on priorities established by the governor and data and information in the approved agricultural portion of the State or areawide 208 water quality management plan."

§501.11 Suggested application procedures.

The process for developing RCWP applications is to be established by the governor and SRCWCC in each state and thus will vary among states. Figure 1 is a flow diagram suggesting possible actions to be considered for an application procedure. These actions are as follows:

(a) Identify nonpoint source pollution problems. Each state, either in the agricultural element of its state water quality management (208) plan or in the agricultural element of an areawide water quality management plan, has identified nonpoint source pollution problems areas.

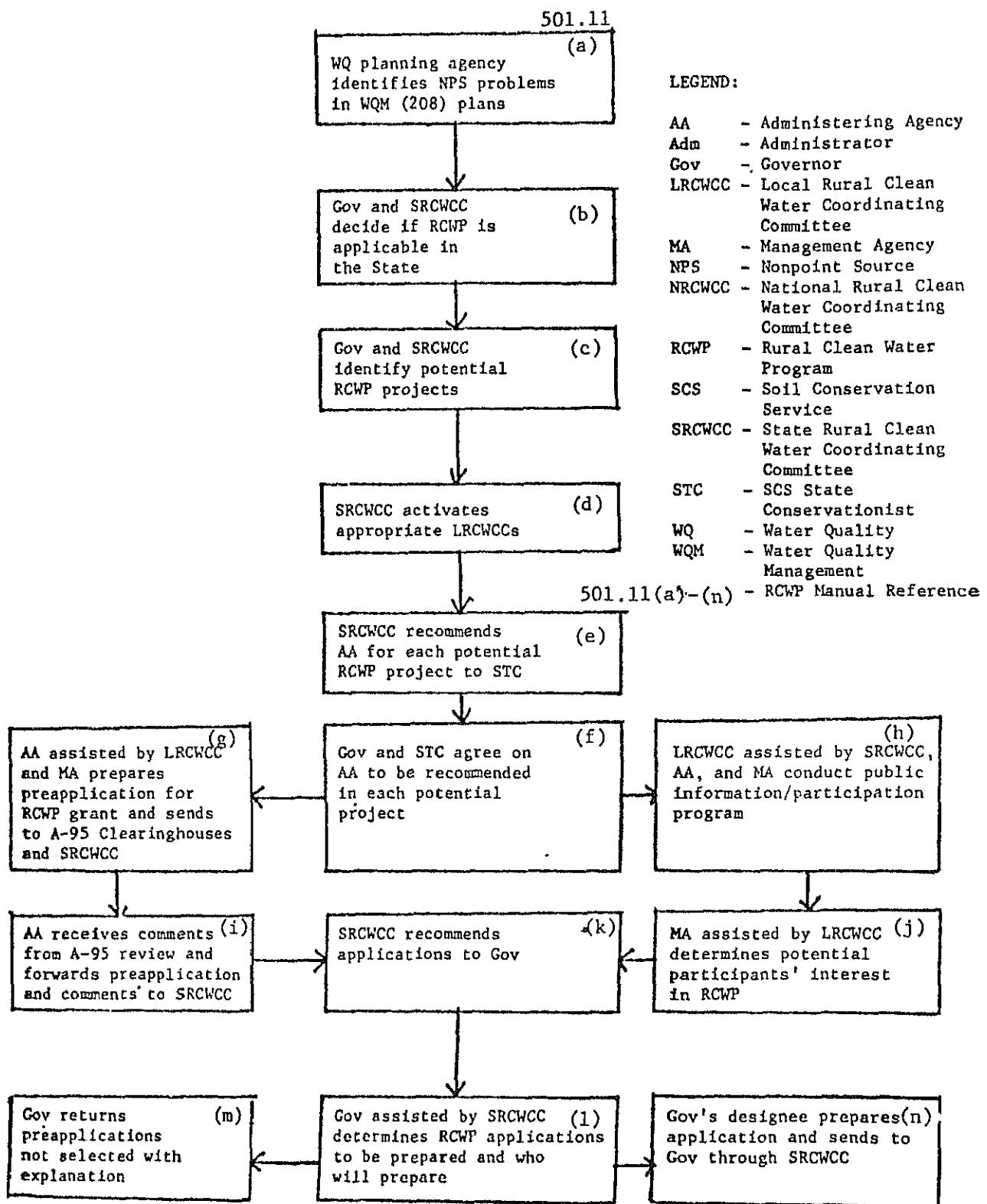
(b) RCWP applicability. The governor, with recommendations from the SRCWCC and other appropriate State and local agencies, is to determine if RCWP should be used to help implement the agricultural part of the water quality management plan for the state or area.

(c) Identify potential RCWP projects. The agencies or groups assisting the governor in identifying potential RCWP projects will also vary by state; however, they are usually members of the SRCWCC. Information in state and areawide water quality management plans, along with other appropriate information, is to be used in selecting potential projects.

(d) Srcwcc activates LRCWCC's. If the governor decides that RCWP is applicable, the SRCWCC is to establish a Local Rural Clean Water Coordinating Committee (LRCWCC) in the potential project area. See §500.23 for additional information concerning LRCWCC.

PART 501 PROJECT AUTHORIZATION AND FUNDING

Figure 1. Suggested application procedure.



(e) Recommended administering agency (AA). The SRCWCC recommends an AA for each potential RCWP project to the SCS state conservationist. Eligible AA's are the conservation district, State soil conservation agency, or State water quality agency. ASCS serves as the AA when USDA administers the program. The AA should be identified early in the application process so that it can help prepare the RCWP application.

(f) Agree on recommended AA. The SCS state conservationist and the governor agree on the recommended administering agency for each potential RCWP project. (See §500.11 on approval of AA's; §500.21 on responsibilities of AA's; and Part 501, Subpart F on qualifications of AA's.)

(g) Preapplication A-95 review process. The administering agency, assisted by LRCWCC and the management agency, prepares the preapplication. Instructions for completing the necessary forms for the preapplication are in Office of Management and Budget (OMB) Circular A-95 and OMB Circular A-102, Attachment M. Submit the preapplication to the appropriate state and areawide clearinghouses and to the SCS state conservationist. The description of the project is a key section of the preapplication. The governor will consider this information in setting priorities for developing RCWP applications. The preapplication is to establish communication among interested agencies and the public, determine project eligibility, and determine how well a potential project can compete with similar applications from other areas. It serves as a screening process to eliminate proposals that have little chance of approval before applicants incur the full costs and effort of preparing a final application.

(h) Public information and participation. The LRCWCC, assisted by the SRCWCC, AA, and management agency, conducts a public participation and information program. This includes holding one or more public meetings for potential participants. Appropriate public notice should be given before the meeting. Information is to be made available to those attending the meetings and others who have indicated interest so that they might understand the purpose of the potential project and how its objectives may be achieved. The objective of public meetings is to solicit comments on the proposed application. Attach minutes or a report of the public meeting to the RCWP project application.

(i) A-95 review comments. The administering agency (AA) is to forward to the SRCWCC comments received as a result of the A-95 review. The AA is to resolve any issues raised as soon as possible.

(j) Determine potential participant interest. The management agency will consider results of public meetings and other information to determine if there is adequate interest by the potential participants to warrant an RCWP application. The management agency is to certify based on the adequate interest determination that at least 75 percent of the critical areas or sources of nonpoint pollution will be treated or included in contracts to be treated within 5 years after the project is funded.

PART 501 PROJECT AUTHORIZATION AND FUNDING

501.11(k)

(k) SRCWCC recommends application. The SRCWCC is to consider the A-95 review, public participation results, and content of the preapplication in recommending priorities for developing RCWP applications.

(l) Governor selects areas for RCWP applications. The governor, assisted by the SRCWCC, determines RCWP applications to be prepared and decides who will prepare them.

(m) Preapplications returned. Those preapplications not selected for an RCWP application will be returned by the governor through the SRCWCC with appropriate explanations.

(n) Application prepared. The governor's designee is to prepare the RCWP application (see §501.12). If there are unresolved issues from the preapplication A-95 review, the completed application is to be forwarded to the appropriate state and area clearinghouses for comments.

§501.12 Preparing RCWP application.

Information in the application should be drawn from the approved agricultural portion of the Section 208 water quality management plan, resource data available from local, State, and Federal agencies, and the judgment and experience of people familiar with the project area. It is not anticipated that significant amounts of additional investigations will be needed to prepare an acceptable application. If such investigations are necessary, they should be carried out as a part of the continuing planning for water quality management and other existing programs. RCWP funds are not authorized to prepare RCWP applications or conduct additional investigations to gather information to be used in such applications.

§501.13 RCWP application components.

The RCWP application includes the following:

(a) Executive summary. Summarize on one page the highlights of the various components of the application.

(b) Description of the project area. Include the following:

- Areas in the project area.
- Number of land owners and operators.
- Types of farming operations.
- General soils description.
- General land use.
- Climatic data.
- Hydrological data (water bodies, size, location, uses).
- Socioeconomic conditions that may affect the project.
- Map or maps clearly showing location of the project in the state and within counties and conservation districts.

- Institutional relationships with appropriate agencies concerned with the project (county commissioners' courts, special purpose districts, etc.).

(c) Severity of the water quality problem. Include a discussion of the water quality problems to be addressed according to the assessment made as part of the agricultural portion of the Section 208 water quality management plan. This component is to include the following:

(1) An explanation of the designated uses of the waters affected, such as public water supply, industrial, contact or noncontact recreation, fishery, irrigation, and other uses. Pollution of waters used for public water supply is to be considered more serious than waters used for such things as noncontact recreation.

(2) An identification of the kinds, sources, and effects of agricultural nonpoint source pollution from toxics (pesticides and heavy metals), sediment, nutrients, animal waste, salinity, dissolved solids, others. Treatment to control or prevent pollution that is toxic to humans is to be given higher priority than, for example, sediment that is being deposited in a navigable river.

(3) The number of miles of stream or acres of water bodies affected. This should be realistic and should include only those miles or acres significantly affected. Projects that reduce pollution in many miles of streams or large bodies of water, including ground water strata, are to be given priority over those that significantly reduce pollution in only a few miles of stream or small bodies of water.

(d) Objectives and planned action. Identify the activities and best management practices (BMP's) that will be carried out to improve water quality. Estimate the degree to which water quality will be improved. Include an estimate of the number and amount of BMP's required to improve water quality. This component also identifies the BMP's to be cost shared. Only BMP's that are consistent with the Section 208 plan and are part of an approved RCWP application are eligible for RCWP cost sharing. After the project has been authorized, BMP's that are consistent with the original or revised Section 208 plan can be added through an amendment to the grant agreement or fund allocation.

(e) Schedule for carrying out the plan. Include a schedule showing the planned sequence of activities for the project. Estimate the number of RCWP contracts that will be signed each fiscal year and the extent of critical areas or sources that will be scheduled for treatment in the contracts.

(f) Estimated cost. Identify the costs of completing the project and indicate how the cost was determined. Estimate the total cost of the project, the Federal contribution, and the nonfederal contribution.

PART 501 PROJECT AUTHORIZATION AND FUNDING

501.13(f)(1)

(1) The participant's cost of applying required but non-cost-shared BMP's may be included as a nonfederal contribution if such cost can be documented as above normal operation.

(2) Section 208(j)(1) of PL 92-500 authorizes "The Secretary of Agriculture ... to establish and administer a program ... for the purpose of installing and maintaining ... best management practices to control nonpoint source pollution...." The RCWP regulations §634.25(h) (see §502.60) require the participant to maintain BMP's for the duration of the RCWP contract at no expense to the administering agency. The cost of maintaining BMP's may be included as a nonfederal contribution to the RCWP project.

(3) Itemize, by Federal fiscal years (October 1 - September 30), the costs for administration, technical assistance, and BMP cost sharing for the expected life of the project. These costs are used to determine funding for grant agreements or fund allocations. Administrative costs are limited to 5 percent of the Federal share of applying BMP's.

(4) Indicate a recommended cost share level (percentage) for each BMP as determined by the proposed administering agency and the local soil conservation district supervisors in consultation with the county ASC committee, and designated management agency. Documentation of the reasons for exceeding 50 percent cost share level is to be given if the cost share level for the project or any BMP is to exceed 50 percent. If the SCS Administrator approves the variance it will be for the entire project.

(g) Estimated water quality benefits and effects. Describe or estimate the water quality benefits that would result from completion of the project. Specifically:

(1) Describe expected effects of the proposed project in terms of achieving water quality goals of the state if such goals have been established. If water quality goals have not been established, describe the project benefits in terms of the nonpoint source pollutants being abated, such as animal waste, nutrients, pesticides, salinity, sediment. Not all cause and effect relationships can be documented by actual data. Very often these relationships can only be supported by the judgment of qualified people.

(2) Describe the expected effects on human health. Projects that reduce the amount of pollutants that adversely effect human health are to be given high priority.

(3) Estimate the number of people that are to benefit from improved water quality. Priority is to be given to projects where the results of impaired water quality are affecting many people.

(4) Explain the expected effects on the natural environment and additional beneficial uses of the waters that result from the

improvement of the water quality. Give priority to projects that maximize the beneficial effects on the natural environment and minimize the adverse effects. Give priority to projects where completion will make possible uses that are not now permitted. For example, give priority to improving water quality so that swimming is permissible instead of reducing the volume of sediment deposited in the stream.

(5) Estimate cost effectiveness of BMP's, including complementary effects on land resources. All other things being equal, give priority to projects where the application demonstrates that high levels of total benefits (water quality improvement, protection of the land resource base, reduced treatment costs, reduced production costs, etc.) can be achieved for each unit of Federal expenditure. Give priority to smaller project areas where the resources of the participating agencies can be concentrated and focused on solution of the water quality problems. Projects should be large enough to permit efficient use of available resources yet small enough that the objectives can be achieved within the duration of the project.

(h) Arrangements for project administration. This component is to include the applicant's strategy for carrying out the program in the project area. The strategy should:

(1) Identify the administering agency (AA) and document the qualifications of the AA to carry out the responsibilities as described in §500.21 and §634.4(p) of the regulations. In addition, information should be included to describe the administering agency staff, the location of that staff relative to the project area, and the experience of the agency in administering comparable grant programs. The contracting officer for the AA should be located in the project area. See §500.11 for approval of AA and relationship with the management agency and Part 501, Subpart F for information on qualifications of AA.

(2) Where appropriate, describe the specific arrangements that have been made or that are anticipated for support by local, State, and Federal agencies. Describe the type of participation such as for technical assistance, cost-sharing, monitoring, education, and information. Projects that have significant state or local support and commitments are to receive greater consideration for funding.

(3) Specific consideration is to be given to arrangements where the RCWP project area includes all or parts of more than one county or state or all or parts of more than one conservation district. In those instances, the application should set out how priorities for assistance among participants will be established, how water quality plans will be approved, and which state, county committee, and/or conservation district will take leadership for program coordination.

(4) List the membership and describe the responsibilities of the Local Rural Clean Water Coordinating Committee. (§500.23)

PART 501 PROJECT AUTHORIZATION AND FUNDING

501.13(i)

(i) Attachments. The following attachments are required with each application:

(1) A letter or certification from the designated water quality management agency that:

(i) Certifies that the BMP's to be cost shared are consistent with the BMP's in the Section 208 plan.

(ii) Insures that an adequate level of program participation will be reached within 5 years and sets out a strategy for reaching this level. (§501.2)

(2) An application for Federal assistance prepared according to instructions in Attachment M of OMB Circular A-102 when the conservation district, state conservation agency, or state water quality agency is the administering agency. Include A-95 review comments.

(3) A list of prevailing cost-share levels of other programs in the project area. This list should include practices comparable to the BMP's to be used in the proposed RCWP project.

(4) A report on public meetings held and other means of encouraging public participation. Describe the commitment by the land owners, operators, and local leadership to participate in and promote RCWP. Give priority to project applications that demonstrate a strong commitment to the project objectives on the part of state and local people. That commitment is reflected by a strong working relationship between local offices of State and Federal agencies, prior experience of local units of government in solving problems through existing Federal, State, and local programs, and expressed support of the project application by local leadership. This item serves as backup data for the management agencies certification of adequate level of participation - item 2 above.

(5) A copy of an environmental impact statement (EIS) or a statement by the SCS state conservationist that the effect of the project on the environment is adequately addressed in the EIS for the overall RCWP. (See §500.12.)

(6) A general project monitoring and evaluation plan. (See §504.13.)

§501.14 Regulation applicable to adding to the application.

"§634.13 Project Applications.

(c) Additional material may be added when, in the judgment of the applicant, it is needed to fully support the application and/or would enhance the probability of

501.15

project authorization. Information provided under each component shall be in sufficient detail to permit the NRCWCC to evaluate the application using priority criteria in §634.14."

§501.15 Supplemental investigation.

Section 208(j)(4) of PL 92-500 authorizes additional investigations as necessary to supplement available data to determine priorities. The NRCWCC may recommend and the chairman may authorize supplemental studies to establish priorities among project applications. NRCWCC will develop a plan for this study. Supplemental investigations will be funded through RCWP appropriations.

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§501.20 Flow chart on submitting the application.

Figure 2 traces the application from the time it is prepared to when the project is funded. The steps to be followed by the application are as follows:

(a) SRCWCC reviews application. The completed RCWP application is to be sent to the SRCWCC for review. The SRCWCC is to review project applications for consistency with national program criteria, availability of resources within the state to carry out the project, and compatibility with other State and USDA program efforts and priorities. Concurrence in the application by the SRCWCC will be accepted by the NRCWCC as evidence from member agencies that they support and recommend approval of the project.

(b) Environmental impact statement. (1) The SCS state conservationist as the responsible Federal official is to determine if the project is addressed adequately by the program environmental impact statement (EIS).

(2) If it is not, and an EIS is needed according to SCS policy, the SCS state conservationist is to prepare the EIS. See §500.12 for additional information about the EIS.

(c) Application assigned priority. The governor with recommendation from the SRCWCC is to assign a priority to each application. Priorities reflect the order in which the state is to submit project applications.

(d) Governor transmits applications to SCS state conservationist. The governor submits the project application to the SCS state conservationist with a letter of transmittal. The letter is to indicate the priority of the potential project and may highlight any distinguishing features of the project that would enhance the chances for project authorization.

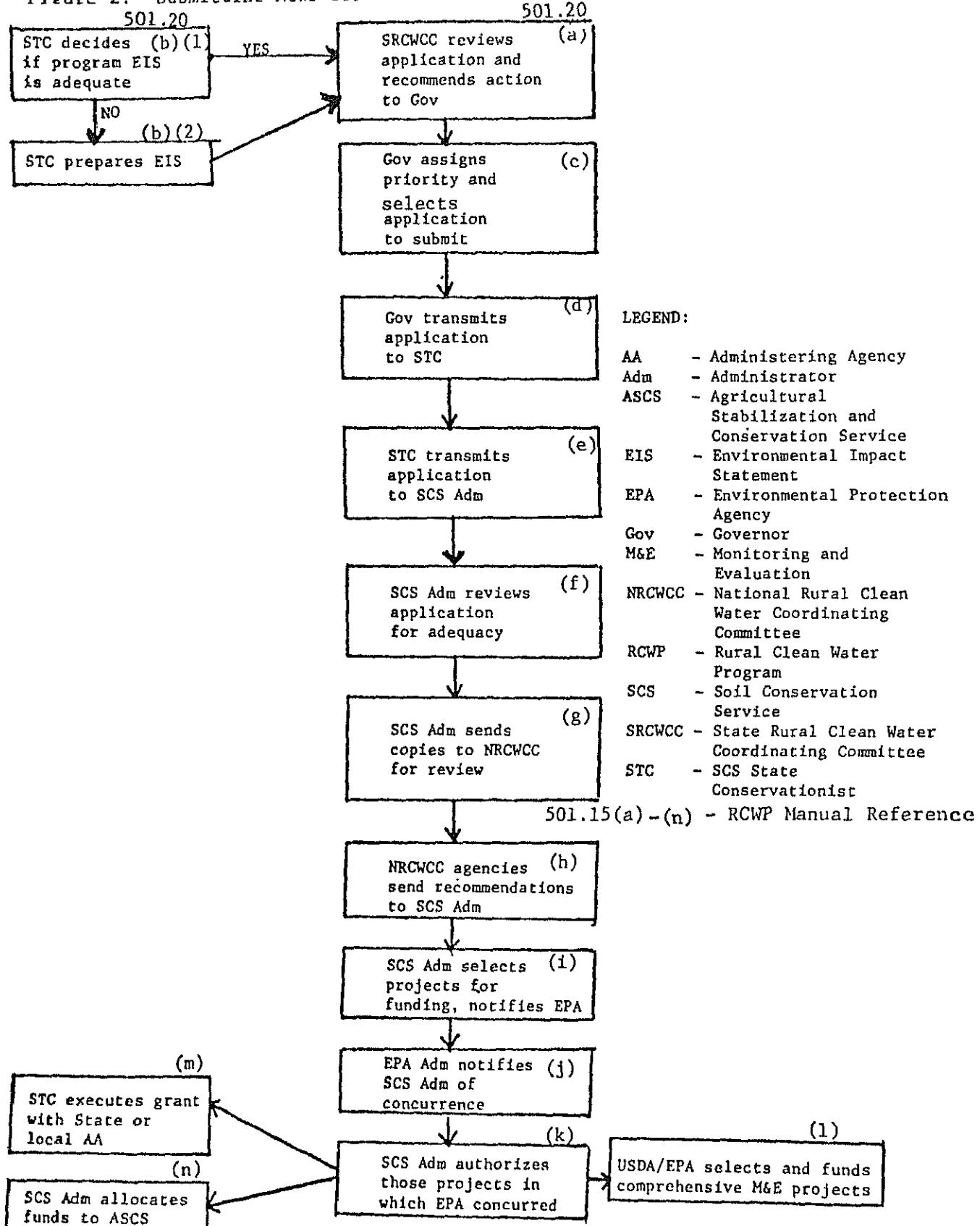
(e) SCS state conservationist transmits application to SCS Administrator. The SCS state conservationist is to forward the original and 12 copies of the RCWP application including attachments to the SCS Administrator together with governor's transmittal, and clearinghouse comments, if any.

(1) The SCS state conservationist is to send an information copy of the application to the SCS technical service center director. The TSC director may review the application and provide comments to the SCS Administrator as necessary.

(2) The SCS state conservationist is to send an information copy of the application to the appropriate EPA regional administrator who may provide comments to the national EPA office.

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Figure 2. Submittting RCWP applications for funding.



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(3) The SCS Administrator is to acknowledge receipt of the RCWP application to the governor with a copy of the acknowledgement to the SCS state conservationist.

(f) Review application for adequacy. The SCS Administrator is to review RCWP applications to insure that they are complete and meet eligibility requirements. An RCWP project eligibility checklist (§505.3) will be used as a guide for this review. Incomplete or ineligible applications are returned to the governor through the SCS state conservationist with appropriate explanations.

(g) Application to NRCWCC for review. The SCS Administrator provides copies of the RCWP application to the member agencies of the NRCWCC for review. A Project Evaluation Worksheet (§505.2) is to be used by the NRCWCC as a working tool in reviewing the application. Also see §501.21 for additional review criteria. Applications will be accepted at any time during the year. The NRCWCC will establish a final due date by which applications must be received in order to be considered for funding during the next review period. Fifteen days will be allowed after the established due date to contact the SRCWCC concerning questions about applications. A 30-day formal evaluation period will then follow.

(h) Funding priority recommended. Each NRCWCC agency reviewing the application is to provide the Chairman of the NRCWCC staff a list of their priority rating and funding limitations for the applications. This list is due at least 5 working days before the end of the formal evaluation period. The Chairman of the NRCWCC staff group is to review the priority and funding recommendations from the agencies and prepare a recommendation from the NRCWCC to the SCS Administrator. This recommendation is to be reviewed with the NRCWCC staff before being submitted to the SCS Administrator.

(i) Projects proposed for funding. The SCS Administrator selects projects proposed for funding and forwards a list of those projects to the EPA Administrator. Applications not selected for funding are to be held for one additional approval period unless the governor requests that they be returned. At that time they are to again compete with all available project applications. The governor may supplement the application before to the next evaluation period. Applications not selected for funding during the second evaluation period are to be returned to the governor with an explanation of why they were not approved. These applications may be resubmitted for further consideration.

(j) EPA review. EPA is to notify the SCS Administrator of its concurrence or nonconcurrence within 15 days following receipt of the list of the projects proposed for funding. The EPA Administrator is to provide the SCS Administrator a letter of concurrence listing the projects in which he or she concurs. If EPA does not concur, the SCS Administrator returns those applications to the appropriate governors

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through the SCS state conservationist with an explanation, or holds them for the next review period. The governor may resubmit supplemental information to address unresolved issues.

(k) Project authorized for funding. The SCS Administrator is to authorize funds for those projects in which EPA concurs and notify the appropriate congressional representatives, governor, and SRCWCC. The list of authorized projects is released to the news media and published in the Federal Register.

(l) Comprehensive monitoring and evaluation. USDA and EPA jointly select projects for comprehensive monitoring and evaluation according to recommendations from the NRCWCC. See Part 504.

(m) Grant agreement. The SCS state conservationist is to sign a grant agreement with the state or local administering agency.

(n) Fund allocation. If USDA is to administer the project, the SCS Administrator is to allocate funds to the Agricultural Stabilization Conservation Service to be used by county ASCS committees to cost share BMP's and perform the duties of the administering agency.

§501.21 Regulations applicable to review of project applications.

"§634.14 Review and approval of project applications.

(a) In reviewing applications and recommending priorities, the NRCWCC will consider the following:

(1) Severity of the water quality problem caused by agricultural and silvicultural related pollutants, including:

(i) State designated uses of the water affected,

(ii) Kinds, sources, and effects of pollutants, and

(iii) Miles of stream or acres of water bodies affected,

(2) Demonstration of public benefits from the project, including:

(i) Effects on human health,

(ii) Population benefited by improved water quality,

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- (iii) Effects on the natural environment, and
- (iv) Additional beneficial uses of the waters that result from improvement of the water quality,

(3) Economic, and technical feasibility to control water quality problems within the life of the project, including:

- (i) Cost effectiveness of BMPs,
- (ii) Size of the area and BMPs needed, and
- (iii) Cost per participant and cost per acre for solution of problem,

(4) State and local input in the project area, including:

- (i) Funds for cost-sharing, technical, and administrative costs. States or local governments with their own cost-share programs may receive greater consideration for the funding of RCWP projects,
- (ii) Commitment of local leadership to promote the program, and

(5) The project area's contribution to meeting the national water quality goals.

(b) Based on the project application, the NRCWCC is to recommend an upper limit of the Federal contribution to the total cost of the project.

(c) All project applications will be reviewed by EPA. Project application approval for funding require written EPA concurrence, except that the Administrator, SCS, may assume EPA's concurrence if EPA does not act within 45 days following receipt of the project application. EPA review of project applications will occur concurrently with review by the NRCWCC.

(d) The Administrator, SCS, will approve projects for funding. The NRCWCC acting through the Chairman will announce the approval of the project. The State Conservationist, SCS, through the SRCWCC, will also inform the other involved Federal, state, and local agencies of the approval."

§501.30 General.

(a) On receiving notice of an approved project, the SCS state conservationist is to enter into a grant agreement with the administering agency, unless USDA is to administer the project.

(b) When USDA retains administration of an approved project, SCS is to allocate funds to the Agricultural Stabilization and Conservation Service (ASCS) at the national level. ASCS will then allocate the funds to the appropriate state ASC committee and then to the county ASC committees administering the cost-share program.

§501.31 Allotment of funds to SCS state conservationist.

(a) The SCS Administrator is to allot funds to each state conservationist to carry out the provisions of RCWP in the state including those necessary for:

- (1) Development of grant agreements;
- (2) SCS expenses for technical assistance; and
- (3) SCS overhead expenses.

(b) If SCS does not have the personnel resources to service all contracts within an RCWP project area, the state conservationist is to enter a force account agreement (see Subpart H) to obtain adequate technical assistance. Funds are obligated by SCS when the agreement is signed.

§501.32 Reimbursement agreements with other Federal agencies.

The SCS state conservationist is to enter into reimbursable agreements with other Federal agencies, as appropriate, to provide technical assistance to the Rural Clean Water Program. These agreements are to require the agencies to bill the SCS state office at the end of each quarter of the fiscal year.



§501.40 Agreements.

(a) General. (1) This subpart provides policies, procedures, and guidelines for the development of grant and fund transfer agreements between the Soil Conservation Service and administering agencies.

(2) The SCS Administrator, through the SCS state conservationists, is to enter into agreements, where practicable, with conservation districts, state soil and water conservation agencies, or state water quality agencies to administer all or part of the program for a project area. The portion of program administration to be conducted by these agencies will be defined in the project application and grant agreement. Where this is not practicable, USDA will administer the program in a project area.

(3) If USDA administers the program in a project area, SCS is to enter into agreements for the allocation of funds to the Agricultural Stabilization and Conservation Service (ASCS) for the administration of part of the program. The provisions of OMB Circular No. A-102 on the administrative requirements of grants to state or local agencies do not apply to ASCS if they are designated as the administering agency. The funds are to be transferred at the national level as provided by Part 501, Subpart D, and Part 503.

(b) Regulations applicable to agreements are:

"§634.15 Agreements.

(a) Grant agreements. Grant agreements detail the working arrangements and applicable operating regulations between SCS and the administering agency. A written grant agreement identifying the parties involved, their responsibilities for carrying out the program, and the amount of program funds to be encumbered by SCS is to be executed by the parties. This agreement is the fund obligating document. It also sets out the necessary working arrangements between parties for determining and allocating the administering agency's costs. All grants to administering agencies are to be in accordance with OMB Circular No. A-102, Department of the Treasury Circular No. 1075, and Federal Management Circular No. 74-4. State or local administering agency grants will be funded under Letter-of-Credit serviced by the U.S. Treasury Regional Disbursing Office, or by SCS approved advance/reimbursement financing arrangements subject to the terms and conditions of the grant agreement.

(1) The grant agreement will provide for payment of cost sharing for BMP (§634.5(j)) and administrative costs (§634.5(c)).

501.40(b)

(2) The grant agreement may provide for payment of technical assistance costs when the administering agency has the capability, and the SCS designates that agency to provide this assistance to RCWP participants.

(3) The administering agency is to monitor the performance of activities supported by RCWP grant funds to assure that time schedules and participant RCWP contract requirements are being met. Performance goals are to be measured against the terms of the grant agreement and program directives. When SCS determines that onsite technical inspections, certified completion data, and financial status reports do not provide adequate grant evaluation data, the following information may be requested:

(i) A comparison of actual accomplishments with the objectives established for the plan,

(ii) Reasons why established objectives were not met, and

(iii) Objectives established for the next reporting period.

(b) Fund transfer agreements. When it is impracticable for SCS to enter into agreements with local soil conservation districts, state soil and water conservation agencies, or state water quality agencies to administer the program in a project area, USDA will retain program administration. In this case, the State Executive Director, ASCS, and the State Conservationist, SCS, are to enter into an agreement for the transfer of funds to ASCS through county ASC committees for activities included in administrative cost (634.5(c)) and BMP cost (634.5(j)). The following general working arrangements are to apply:

(1) Administering contracts, making cost-share payment, and program reporting are to be provided by ASCS as the administering agency.

(2) SCS, or its designee, with appropriate Federal or State agency support, will provide technical assistance to participants in preparing RCWP contracts and in carrying out their water quality plans.

(c) Agreements for services. SCS may enter into an agreement for services with a State or local agency. The designee must meet the requirements of OMB Circular No. A-102.

(d) Contracts for services. SCS may enter into contracts for services with individuals or firms for providing technical assistance."

§501.41 Technical assistance responsibility.

SCS retains major technical assistance responsibility for RCWP and provides leadership to insure the adequacy of standards and specifications for use by all administering agencies. SCS may provide technical assistance in RCWP projects for developing and carrying out individual water quality plans. SCS may also arrange for technical assistance to be provided through conservation districts, other Federal, State, or local agencies, or private individuals or firms using the following methods:

(a) Force account. If a nonadministering State agency or a soil conservation district can provide technical assistance and meet SCS standards, SCS may enter into agreements for services. Agreements for services by nonadministering state agencies or districts are called force account agreements--state agencies or districts provide the labor, equipment, and materials necessary for technical assistance (Subpart H).

(b) SCS procurement of services. Technical assistance services may be provided through SCS-administered contracts for services in accordance with applicable Federal procurement regulations as supplemented by the Department and SCS (§501.44).

(c) Reimbursable agreement. If special technical expertise is required for development of water quality plans and installation of BMP's and other technical assistance, such as expertise pertaining to herbicides, pesticides, silvicultural practices, or monitoring of water quality, SCS may enter into reimbursable agreements (601 Economy Act, 31 U.S.C. 686) with the appropriate Federal agencies to provide technical assistance. Reimbursable agreements for these services will be provided for in a Memorandum of Understanding between SCS and the appropriate agency. Form AD-672, Reimbursement or Advance of Funds Between Federal Agencies, is to be used to document each reimbursable agreement.

§501.42 Agreement options.

Figure 3 illustrates the agreement options available for administration of RCWP.

§501.43 Administrative cost limitation.

Grant funds applied by the grantee (administering agency) toward allowable administrative costs are limited to 5 percent of the Federal share for BMP costs. For example, a grant agreement including \$2,500,000 for BMP's has been proposed between SCS and a state or local

Figure 3 Agreement options.

<u>Option</u>	<u>Grant agreement signed by:</u>	<u>Grant agreement provides:</u>	<u>Force account agreement provides:</u>
(1)	State or district administering agency (AA)	<ul style="list-style-type: none"> (a) Cost-sharing funds (BMP's) (b) Administrative costs (5% max.) (c) Any technical assistance provided by the AA. 	None
		<p>Option (1) is used if the State or district AA that signs the grant agreement has the field staff and capability to perform the required technical services for RCWP contracting. SCS performs technical services required for water quality plan approval and other technical assistance as required. Technical assistance not provided by SCS is reimbursed to the AA (State or district) under the terms of the grant agreement.</p>	<p>SCS enters into a force account agreement for technical services with a nonadministering State agency or district.</p>
(2)	State administering agency	<ul style="list-style-type: none"> (a) Cost-sharing funds (BMP's) (b) Administrative costs (5% max.) 	<p>Option (2) is used if the State AA does not have the field staff or capability to perform the required technical services for RCWP contracting and SCS cannot perform all the required technical assistance. The State agency or district must have the necessary forces and capability to provide technical assistance with their own forces. The technical assistance not performed by SCS is reimbursed to the State agency or the district under the terms of the force account agreement.</p>
(3)	State or district administering agency	<ul style="list-style-type: none"> (a) Cost-sharing funds (BMP's) (b) Administrative costs (5% max.) 	None
			<p>Option (3) is used when the State or district AA that signs the grant agreement does not have the field staff to perform technical assistance and SCS can perform all the required assistance. The grant agreement does not provide any funds for technical assistance and there is no need for a force account agreement for services with a State or district.</p>

Federal Contract-Services

(4) State or district administering agency

- (a) Cost-sharing funds (BMP's) SCS contracts for technical assistance that cannot be provided by SCS personnel or by State or district force account.
- (b) Administrative costs (5% max.)

Option (4) is used when the State or district AA that signs the grant agreement does not have the field staff or capability to perform the required technical assistance and SCS cannot perform all the necessary technical assistance. SCS contracts for the required services by federally administered contract.

Administration by USDA

(5) ASCS administering agency

<u>Agreements</u>	<u>See the note below.</u>
(a) Memorandum of Understanding SCS-ASCS	
(b) Fund transfer agreement	
1. Cost-sharing funds (BMP's)	
2. Administrative costs (5% max.)	
(c) Progress & financial reports	

Option (5) provides for RCWP participant contract administration by ASCS where a State or district administering agency is not available or does not meet qualifications specified in Part 501. ASCS will administer RCWP contracts, make payments, and settle questions on appeals and violations, etc.

SCS will provide the technical assistance required using SCS forces, State or district forces (by force account agreement), or by Federal contract for services or by combination of these methods as required.

Figure 3

501.43

administering agency. Administrative (overhead) costs cannot exceed \$125,000, so the total grant would be \$2,625,000. Technical assistance costs including monitoring and evaluation by the administering agency when approved by SCS may be added to the grant. These costs are not administrative costs and are borne by SCS.

§501.44 Applicable regulations and deviations.

(a) Regulations. Regulations applicable to RCWP and this subpart include:

- (1) Office of Management and Budget (OMB) Circular No. A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;
- (2) Federal Management Circular No. 74-4, Principles for Determining Costs Applicable to Grants and Contracts With State and Local Governments;
- (3) Treasury Department Circular No. 1075; and
- (4) Title 7, Part 634 rules and regulations on RCWP.
- (5) This National RCWP Manual and its exhibits.

(b) Deviations. Deviations from the Grant Agreement, Exhibit §505.10, and other exhibits of Part 505, Subpart B, may be approved by the SCS state conservationist if he or she determines that the deviations do not conflict with Federal rules, executive orders, or OMB, Departmental, or other regulations. Also, the deviation must be in the interest of the Federal Government and the administering agency. The SCS state conservationist is responsible for seeing that files are properly documented and that a justification is provided for any significant deviation from the exhibits. Deviations from OMB, Departmental, or other regulations are to be submitted to the National Office for action. Commitments should not be made until approval is provided.

§501.50 General.

(a) When an RCWP project application has been approved, the SCS state conservationist is to initiate preparation of a grant agreement with the designated State or local administering agency. The SCS state conservationist must review the following to confirm that the administering agency that was designated in the project application is qualified to administer grant funds:

(1) The ability of the selected administering agency to provide effective program leadership in relation to the nature, scope, and location of the identified RCWP project;

(2) The availability of the administering agency's resources including plant, equipment, labor, and management services;

(3) The availability of established internal procedures that will provide fiscal controls necessary to account for Federal grant funds; and

(4) The availability of accounting and internal audit functions necessary to identify, accumulate, and distribute allowable and allocable administrative (overhead) costs and other direct cost elements to be reimbursed under Federal grants.

(b) If any factors considered by the governor during the preliminary review appear questionable at this point, the SCS state conservationist is to make a more thorough analysis.

§501.51 Specific requirements.

Before executing a grant agreement that provides for cost-share funds, administrative (overhead) costs, or technical assistance and planning services, SCS must verify that the designated state or local administering agency can satisfy the requirements of OMB Circular No. A-102, Federal Management Circular No. 74-4, and other program requirements.

(a) The SCS state conservationist is responsible for determining if the designated state or local administering agency meets the standards in the referenced circulars before entering into grant agreements. After the initial review and approval, SCS need only review and approve significant changes in the administering agency's standards or procedures. If the administering agency's standards have been reviewed by another Federal agency and found to meet the minimums prescribed by OMB Circular No. A-102, this finding is to be documented and accepted as adequate by SCS. If the prior review and approval given by another Federal agency was based on enabling legislation conflicting with or excessive to SCS requirements, the state conservationist should insure that SCS needs are adequately satisfied.

501.51(b)

(b) Any deficiencies in the administering agency's standards of conduct, procurement procedures, or financial management system must be brought to the administering agency's attention for corrective action before a grant agreement may be executed. If SCS must impose additional requirements on the potential administrative agency to qualify them to receive grant funds, SCS is to:

- (1) Notify the administering agency in writing of the reasons for the requirements in excess of OMB Circular A-102 standards;
- (2) Specifically identify the corrective action or controls necessary to receive and administer grant funds; and
- (3) Send documentation of the actions taken to the USDA Office of Operations and Finance.

(c) If the state conservationist finds that the designated administering agency is not qualified to administer an RCWP agreement, the facts must be carefully documented and a report of the situation forwarded to the governor. The project application must be amended to indicate an acceptable administering agency. This action requires review by the SRCWCC.

§501.52 Provisions or standards requiring review.

(a) Procurement regulations. Administering agencies' procurement regulations, including contract provisions, are to meet the minimum requirements of OMB Circular No. A-102, Attachment 0, as well as applicable state and local laws, rules, and regulations. If procurement with grant funds for required RCWP work is necessary, the administering agency may use its own procurement regulations providing that procurements adhere to spirit and intent of OMB Circular No. A-102 and the following standards:

(1) The administering agency is to maintain and enforce a written code or standards of conduct that governs the performance of its officers, employees, or agents in expending Federal grant funds. The administering agency's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of a monetary value from contractors, potential contractors, district employees, or participants. To the extent permissible by State or local law, rules, or regulations, these standards are to provide for penalties, sanctions, or other disciplinary actions to be applied for violations by either the administering agency's officers, employees, or agents, or by contractors or their agents.

(2) All necessary procurements for services or supplies allocable to the grant, regardless of dollar value or whether negotiated or advertised transactions, are to be conducted in a manner that will provide maximum open and free competition. The administering agency

should guard against organizational conflicts of interest or noncompetitive practices among contractors or suppliers that may restrict or eliminate competition or otherwise restrain trade.

(b) Financial management system. The administering agency or designated department or unit within the administering agency that will manage the finances of federally cost-shared RCWP work must develop and maintain a financial management system that meets the requirements of OMB Circular No. A-102, Attachment G. The SCS state conservationist is to review the administering agency's financial management system for completeness and detail according to the minimum requirements and procedures provided in Part 503, Subpart A.

(c) Documentation. The grant agreement files are to be documented by SCS with a written certification indicating the acceptability of the administering agency's procurement standards and financial management system. The files are also to include a copy of the administering agency's written standards of conduct.

(d) Minority-owned banks. Consistent with the national goal of expanding the opportunity for minority business enterprises, the administering agencies are encouraged to use minority-owned banks to the greatest extent possible. SCS is not required to review this aspect of the administering agency's procedures, but it should be discussed and any potential opportunities should be developed by the administering agency if possible.

(e) Administrative overhead, cost allocations requirements.
(1) The principles for determining the allowability and allocability of the administering agency's reimbursable indirect costs for program administration (overhead) are in OMB Circular No. A-102, Attachment G, and Federal Management Circular No. 74-4. The administering agency is responsible for expending and accounting for grant funds consistent with these circulars and RCWP program objectives. SCS must also insure that an acceptable cost allocation plan (CAP) is prepared by the administering agency and approved by the cognizant review agency before executing the grant agreement.

(2) Regardless of the indirect costs approved in the CAP or other allowable direct grant administrative costs, the amount to be reimbursed to the administering agency is not to exceed 5 percent of the Federal cost share for BMP's or the percentage established in the grant agreement if less than 5 percent. If technical assistance as approved by the SCS state conservationist is provided by the administering agency or other source, these costs are considered a direct program cost and are to be reimbursed from RCWP funds.

§501.60 Definition.

As used in this subpart, "grant agreement" includes any agreement entered into by SCS and a State or local unit of government designated as administering agency in which detailed arrangements are set out to provide for carrying out the RCWP and the involvement anticipated between parties.

§501.61 General.

Detailed working arrangements must be established between the administering agency and SCS before entering into contracts with participants for the installation of BMP's. SCS is to prepare RCWP grant agreements. Arrangements is to be set forth in the grant agreement using the format and content specified in Exhibit §505.10.

(a) The agreement is to be detailed enough to implement the provisions of the approved RCWP project application for the specified work to be accomplished in the designated project area.

(b) BMP's will be installed through long-term contracts (5 to 10 years) with participants having control of privately owned rural lands.

§501.62 Authorities and responsibilities.

Each party to the agreement must have the authority and capability to fulfill its responsibilities set forth in the agreement as noted below.

(a) The authority to sign RCWP agreements and represent SCS to administering agencies on RCWP matters is delegated to the SCS state conservationist. Before entering into a grant agreement, the administering agency must be informed of the procedures and requirements of RCWP. Personal visits and detailed discussions of agreement provisions by trained SCS personnel will help avoid misunderstandings and facilitate better working relations. The SCS state conservationist is to take an active part in establishing the necessary working environment and understanding with the administering agency.

(b) Amendments to agreements are to be signed by the person or persons who signed the original agreement on behalf of SCS. SCS provides technical assistance or insures that technical assistance is provided and verifies the technical adequacy of work performed.

(c) The administering agency is responsible for administering all aspects of the grant agreement.

(1) Procurement requirements and other OMB Circular A-102 requirements do not apply to contracts between administering agencies and participants. The administering agency is to coordinate its RCWP

501.62(c)(1)

contracting assistance activities with SCS at all levels to optimize available technical assistance services within the established priorities.

(2) To the extent necessary and feasible, the administering agency may obtain bookkeeping, accounting, or similar services from another department or unit within the administering agency. The administering agency may also procure bookkeeping, accounting, or similar services using their own procurement procedures if these services are not internally available. Costs are to be reimbursed within the limits established in the grant agreement. Participant contract administration services including making contract payments are not to be contracted out.

§501.63 Fund management.

(a) Grant agreements are fund-obligating documents. Funds, as needed, will be provided as detailed in Part 503 by a letter of credit or other designated option with the approval of the SCS state conservationist.

(b) The SCS state conservationist is to determine that sufficient SCS funds are available before recommending the signing of an agreement. Federal funds are to be advanced only for current needs and are to be disbursed to and by the administering agency on receipt of proper billings (see Part 503).

(c) Before approving any amendment of an agreement in an amount that exceeds the amount in the agreement, the SCS state conservationist is to insure that sufficient funds are available, that the amendment is properly executed, and that additional SCS funds are encumbered (§502.1). Amendments that are necessitated by changes in the project cost-sharing levels must be supported by cost data and be approved by the NRCWCC.

(d) The "storing" of excess Federal funds in an agreement is a violation of Section 1311(a)(1) of the Supplemental Appropriation Act of 1935

(1) The obligation to be recorded in the accounts is the amount specified in the agreement as the sum expected to be contributed by SCS for the work and other program costs included in the agreement.

(2) After all the RCWP participant contracts are executed, excess funds that are not expected to be used should be withdrawn from the accounts by amending the agreement.

(3) After all work has been completed and final payment made to the administering agency, all remaining excess funds obligated by the agreement normally will be canceled from the accounts immediately. This does not require an amendment to the grant agreement. There may be,

501.65(a)

however, situations in which sufficient funds may be retained in the agreement to cover further anticipated SCS liability. The amount of funds retained is a matter of judgment. Each agreement should be analyzed to determine the possibility of liability, and the amount considered necessary to cover contingencies should be documented in the files.

§501.64 Grant agreement format and contents.

(a) General. The grant agreement should be developed to meet the actual situation. Its contents are determined by which agency is designated as administering agency and what other arrangements may be necessary in managing grant funds or providing services.

(b) Administrative services. All necessary grant administrative services, other than technical assistance services retained or provided for by SCS, is to be provided by the designated administering agency. A State administering agency, for example, may not "subcontract" for technical assistance from a conservation district. A State administering agency is to provide from their own forces all needed personnel for administration of participant contracts and are not to make arrangements with a soil conservation district or ASCS to administer contracts. If a district is designated as administering agency, its own personnel are to provide all contract administration functions.

(c) Unusual situations. Assistance may be requested from the SCS National Office in developing agreements for unusual situations or where appropriate guidelines have not been established. A draft of the proposed agreement should be transmitted with the request for assistance.

(d) RCWP grant agreement with administering agencies. Exhibit §505.10 illustrates the standard format for grant agreements. Modifications to meet the working relationships in each state may be made as deemed necessary by the SCS state conservationist within the guidelines of §501.41.

§501.65 Optional methods of funding grant agreements.

(a) General. The grant agreement provides for payment to the administering agency by the letter of credit method. Letter of credit payment procedures, detailed in §503.4, are the preferred method of making RCWP grant payments, but in some instances an approved optional payment method may be necessary. Optional payment methods, if approved by the SCS state conservationist, include advance by Treasury check and reimbursement of accrued expenditures (§503.3). Administering agencies are responsible for submitting requests and providing necessary documentation to the SCS state conservationist for consideration of the proposed method of payment if letter of credit procedures do not provide adequate working capital or do not meet OMB Circular A-102, Attachment J criteria.

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(b) Control of payments. Regardless of the method of payment required by regulations or selected by the administering agency, SCS may not withhold payments for proper charges made by the administering agency at any time during the grant period unless:

(1) The administering agency fails to comply with the program objectives, grant award conditions, or Federal reporting requirements; or

(2) The administering agency is indebted to the United States and collection of the indebtedness would not impair accomplishment of the objectives of any grant program sponsored by the United States.

(c) Notice for corrections. Under the preceding conditions, SCS may, on reasonable notice, inform the administering agency in writing that payments will not be made for obligations incurred after a specified date. The conditions requiring correction are to be identified or the indebtedness requiring liquidation must be specified for the record.

§501.66 Distribution of grant agreements.

Grant agreements are to be prepared in sufficient copies to provide the following minimum distribution:

-	Original (signed)	-	SCS state office
-	Manually signed copy	-	Administering agency
-	Conformed copy	-	SCS National Office (Assistant Administrator for Water Resources)

§501.70 General.

Section 208(j) of PL 92-500 provides that the Secretary is to agree to provide technical assistance and share the cost of applying BMP's. If SCS cannot provide the necessary technical assistance but a soil conservation district or other SCS approved State agency has the experience and necessary staff, the specified party may provide RCWP technical assistance by entering into a force account agreement with SCS.

§501.71 Responsibilities.

(a) SCS is responsible for making force account arrangements. The services to be provided are to be agreed on by the state conservationist and the specified State agency or district in a force account agreement (Exhibit §505.11). The State agency or district selected to provide technical services must meet the requirements of OMB Circular No. A-102.

(b) SCS retains responsibility for the technical adequacy of the RCWP contract.

(c) The agreement is to provide the authority and the estimated funds necessary to obtain technical assistance services by force account. Additional agreements are not necessary.

(d) All or part of the required technical assistance may be provided by the State agency or district depending on the circumstances. The file is to contain a determination by the SCS state conservationist on the need for supplemental technical assistance.

(e) When technical assistance services can be provided directly by the RCWP administering agency, the costs are to be reimbursed from RCWP funds included in the grant agreement.

§501.72 Agreement revisions.

The force account agreement is to be renegotiated or reaffirmed annually through an appropriate amendment or exchange of correspondence. The force account plan of operations is to be revised and updated at this time (Exhibit §505.12).

§501.73 Conditions.

Force account is a procedure that allows the specified party to perform the necessary technical assistance using its own equipment and personnel. Contract administration assistance for participant contracts cannot be provided under a force account agreement. If the SCS state conservationist approves, the specified party may supplement its own forces renting small amounts of equipment or hiring additional field

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personnel. No reimbursement is to be provided for technical assistance services furnished by the specified party until the agreement is executed. The specified party's employment practices must be in conformance with State and local laws and must meet the requirements of applicable Federal and State Equal Employment Opportunity provisions and Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d). The specified party may perform technical assistance only under the following conditions:

- (a) SCS cannot provide the required technical assistance within the time constraints or priorities stated in the project application.
- (b) The administering agency (if not the specified party) does not have the qualified field personnel available to perform technical assistance.
- (c) The specified party that is to perform the work has a nucleus of the necessary equipment, work force, and supervisory personnel to provide technical assistance.
- (d) The specified party is skilled in performing the technical assistance and planning work contemplated or can easily develop the required skills with minimum SCS assistance.
- (e) Provisions are made to insure that the quality of technical assistance is the same as if SCS performed the work.
- (f) The specified party can meet the minimum requirements needed to comply with the regulations identified in Subpart F of this part.

§501.74 Prerequisites to signing force account agreements for services.

Before signing the agreement for services, the SCS state conservationist is to determine that the following prerequisites have been met:

- (a) The RCWP project application has been approved and an acceptable administering agency has been designated. The conditions detailed in §501.63 must be documented in the force account agreement file.
- (b) The specified party has an acceptable financial management system meeting the requirements of OMB Circular A-102, Attachment G. When force account is used to provide technical assistance, SCS is to use reimbursement procedures rather than a letter of credit or advance method of payment. Therefore, a letter from the state agency or district stating that they have reviewed the financial management system requirements and that their system meets these requirements may be acceptable as adequate documentation of their financial management system. Approval of the financial management system by another Federal agency would satisfy this requirement.

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(c) The specified party's force account annual plan of operations has been approved by the SCS state conservationist (see §501.76).

(d) Sufficient RCWP funds are available to carry out the work.

(e) The SCS state conservationist has reviewed and approved the estimated amount and reasonableness of cost for the services the district will be providing.

§501.75 Force account agreement format.

(a) The agreement format, Exhibit §505.11, is to be followed in preparing the agreement for services when a nonadministering State agency or district provides technical assistance services by using its own forces. The force account agreement for services should detail the responsibilities of the parties thereto, the work to be done, and other provisions as needed to make the agreement complete.

(b) Exhibit §505.11 states minimum SCS requirements. The specified party may add only those provisions required by State law as determined necessary by the SCS state conservationist (see Deviations, §501.44(b)). If there is conflict between the requirements of State law and Federal law, the problem must be submitted to the SCS National Office for review before any commitments are made.

(c) Force account agreements for services are to include Property Management Standards (Exhibit §505.13) and Clean Air and Water Provisions (Exhibit §505.14) as attachments.

§501.76 Force account plan of operations.

Before the SCS state conservationist signs the agreement for services for force account work and annually thereafter, the designated party is to prepare a plan of operations satisfactory to SCS. The plan of operations must include as a minimum the requirements illustrated by Exhibit §505.12 and the following items:

(a) A description of and specifications for the technical services to be performed.

(b) An estimate of the type and quality of any materials needed for performance of technical assistance and how they will be obtained or the source if from internal supplies.

(c) An estimate of equipment needed for performance of technical assistance, hours or days of use expected, how it will be obtained, and agreed-to use rates.

(d) Personnel to be used on the work and the agreed-to rate of pay for personnel time. Technical personnel who will be charging time

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directly to RCWP technical assistance activities and clerical personnel who directly support the technical assistance should be included by name, title, and hourly rate of pay.

(e) The time schedule for performing the work.

(f) Other items, as needed.

§501.77 Administration of force account work.

(a) The contracting officer (CO) designated by the State agency or district is responsible for taking all actions necessary to insure satisfactory quality of technical assistance services being performed by their own forces. These actions include but are not limited to seeing that the work is performed in accordance with standards approved by SCS, obtaining SCS approval of any needed changes, keeping the work on schedule, obtaining SCS approval of any proposed changes in the force account plan of operations, obtaining supplies, etc., in accordance with the specified party's procurement standards and procedures and the agreement for services, and keeping accurate cost records.

(b) The SCS state conservationist is to appoint in writing a government representative (GR) (usually the district conservationist) for each agreement for services if the work is to be performed by force account. The GR must be technically qualified to inspect the types of work to be performed under the agreement. He or she should also be located close enough to the job to be available to work with the district and to perform other duties of the job. The major duties and responsibilities of the GR should be identified in the letter of appointment and be tailored to the type of services being provided. See Exhibit §505.22 for a sample letter of appointment.

(c) Progress and performance reports are necessary for proper administration of the work being performed by force account. The government representative is to report RCWP technical assistance accomplishments at least monthly in writing to the SCS state conservationist through the SCS area conservationist. There is no form specified for this documentation. Forms SCS-AS-49a and b may be used to keep track of funds expended, work completed, and work scheduled. The report should include an estimate of project work in the district that is completed, the units of work scheduled, problems encountered, and whether the technical assistance work performed is in accordance with SCS standards.

(d) The specified party is to pay for the work as provided in its procurement documents, employment regulations, etc., and as provided in the force account agreement for services. The government representative's progress report is to be used as the basis for SCS approval of the SF-270, Request for Advance or Reimbursement. (See §503.3(b) and §505.60.) Form SF-270 is to be prepared by the specified

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party and forwarded to the SCS government representative monthly. The government representative is to forward the SF-270 to the SCS state office with a recommendation for payment.

(e) The SCS state conservationist is to make final payment to the specified party after the following steps have been taken:

- (1) SCS notification to the specified party of satisfactory completion of the work;
- (2) SCS audit of force account source documentation and other records;
- (3) Receipt from the specified party of the final SF-270; and
- (4) A final performance report from the GR.

(f) The SCS state conservationist is to perform a comprehensive audit to test payments made to the specified party against their source documentation using appropriate audit techniques. Payment adjustments are to be made on the final payment to resolve any allowances or disallowances identified by the audit. Form SCS-AS-49b is to be used to summarize materials used, services performed, and work accomplished. Cost summaries are to be made on the SCS-AS-49a. The certification and release of claims on Form SCS-AS-49a need not be completed.

(g) The SCS state conservationist is to prepare a summary of the work performed under all RCWP force account services agreements in the state by project at the end of each fiscal year to provide data for making management decisions and to estimate future fiscal year funding needs. The annual summary is to indicate the inclusive dates of the force account agreement within that year, the cost for performing the various services provided, and other data pertinent to the work. Amendments to the force account agreement and future requests for RCWP funds may be based on a consideration of the prior year annual summaries.

(h) The format to be used in preparing annual or other necessary amendments to the force account agreements for services is indicated in Exhibit §505.19. When the agreement is executed, unit prices are established in the plan of operations for the services to be performed. Throughout the life of the 5- to 10-year contracts for RCWP work, the priorities and requirements for technical assistance force account services and the established unit prices will vary. The SCS state conservationist is to require the specified party to update their force account plan of operations annually. The revised data are used to amend the agreement to meet the next year's program needs.

(1) Amendments other than the annual amendment may be made at any time when justified.

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(2) Amendments to agreements are to be executed by the SCS state conservationist. All amendments are to be executed by authorized representatives of the party signatory to the original agreement. If the individual who signed the original agreement signs the amendment, no certification of authority is necessary. If a different person signs, his or her authority must be documented.

(i) An agreement for services may be terminated at any time by mutual consent. If SCS initially determines that State agency or district assistance is needed but later finds that SCS personnel can perform the technical assistance, the agreement may be terminated. An amendment to the force account agreement should be issued to document this action.

(1) An agreement for services may be terminated by SCS for cause if SCS determines that the specified party has failed to comply with provisions of the agreement. Any termination must be accomplished according to OMB Circular A-102, Attachment L.

(2) SCS may temporarily suspend its assistance pending corrective action of the specified party or pending a decision by the SCS to terminate its assistance.

(j)(1) Agreements for services and amendments thereto are to be prepared in sufficient copies to provide the following minimum distribution:

-	Original (signed)	-	SCS state office
-	1 manually signed copy	-	Agency providing services (specified party)
-	1 conformed copy	-	SCS government representative
-	1 conformed copy	-	SCS National Office (Assistant Administrator for Water Resources)

(2) Each force account agreement for services that obligates SCS funds is to be assigned a number from the regular contract series of the SCS office in which it is signed.

§501.80 General.

Commercial technical assistance services may be obtained by Federal contract when SCS cannot provide all the services, when the administering agency does not have the resources to provide technical assistance services, and when a nonadministering state agency or district is unable to furnish services. Such contracts may range from contracts for aerial photography or geologic investigations to a contract for the complete investigation, design, drawings, and technical assistance services required for planning and installation of RCWP measures.

§501.81 Contracting for services.

Contracts for professional services are to be negotiated by SCS or arranged for through competitive bidding procedures by SCS. Administering agencies or nonadministering State agencies or districts are not to make any contractual arrangements to provide RCWP technical assistance services.

(a) The policies, procedures, standards, and exhibits in the Federal, Departmental, and SCS Procurement Regulations are to be used when SCS procures the services.

(b) The SCS state conservationist is to determine which services are to be provided by the administering agency, other State or Federal agencies, or the conservation district, and which are to be furnished by SCS. Performance specifications must be developed for inclusion in procurements of professional services to fully describe and control the extent and quality of work to be performed by the contractor.

(c) Personal services procedures cannot be used. SCS technical specialists should participate in developing technical assistance performance specifications that will provide a contractor the necessary requirements to achieve the specified product with minimal SCS spot checking and compliance reviews.

§502.20 Reasons for grant termination.

A grant may be terminated for any of the following reasons:

(a) The administering agency fails to comply with the grant agreement.

(b) The administering agency fails to get adequate land user participation.

(c) The actions proposed in the project application cannot be achieved.

§502.21 Decision to terminate a grant.

The decision to terminate a grant for any of the reasons in §502.20 is the joint responsibility of:

(a) The Administrator of the Soil Conservation Service (SCS); and

(b) The Administrator of the Environmental Protection Agency (EPA).

§502.22 Procedures for terminating a grant.

(a) When the SCS state conservationist in consultation with the SRCWCC determines that a grant should be terminated for any of the reasons in §502.20, he or she is to send the administering agency a notice of intent to terminate the grant (§505.17). This notice is to:

(1) Clearly state the reasons for the proposed termination;

(2) Explain any extension or modification to the suspension order; and

(3) Allow at least 10 days' written notice before the termination is effective.

(b) After the notice of intent is issued, officials of the administering agency are to be allowed an opportunity to discuss the proposed termination with the SCS state conservationist. The SCS state conservationist is to inform the Administrators of SCS and EPA of the administering agency's views.

(c) Termination of an RCWP grant requires the approval of the SCS Administrator and concurrence of the EPA Administrator. Approval to terminate is to be in writing, signed by the agency administrators or their designees. This approval is to be documented in the RCWP grant agreement file. There is no prescribed format for the Administrators'

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approval to terminate a grant. The approval should state the reason for termination and give the SCS state conservationist authority to terminate the grant.

(d) After the Administrators of SCS and EPA have concurred in the termination, the SCS state conservationist is to terminate the grant by either:

(1) Executing a termination agreement with the administering agency; or

(2) Issuing a grant termination notice to the administering agency by certified mail, return receipt requested. (See §505.18.)

(e) An amendment to the grant agreement is to be issued to document the terms of any grant termination.

§502.23 Request by administering agency to terminate a grant.

If an administering agency desires to terminate its work on a project that is funded by a grant agreement, it is to notify the SCS state conservationist in writing, giving full details of the reasons for requesting termination of the grant. The administering agency cannot terminate the grant agreement unilaterally. The SCS state conservationist is to review the causes for the requested termination and forward recommendations to the Administrators of SCS and EPA. If the Administrators of SCS and EPA concur, the SCS state conservationist issues the Notice of Intent To Terminate Grant Agreement (see §505.17) and the Grant Termination Agreement (see §505.18).

§502.24 Termination for convenience.

If SCS and the administering agency agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds, the grant may be terminated for convenience. The two parties are to agree on the termination conditions, including the effective date, and for partial terminations, the portion of the RCWP grant agreement to be terminated.

§502.25 Effect of grant termination.

(a) Obligations. When a grant is terminated, the administering agency has the following obligations:

(1) To refund to SCS the amount it received for the part of the project that was not completed. The administering agency may retain funds needed to meet unavoidable commitments.

(i) If the grant is terminated because of the administering agency's failure or inability to perform the work, the administering agency must refund unexpended cost-sharing monies for existing RCWP contracts.

(ii) If the grant is terminated through no fault of the administering agency, the administering agency is to be allowed to retain unexpended cost-sharing monies to fulfill existing RCWP contracts.

(2) To furnish to the SCS state conservationist evidence that it has attempted to reduce the amount of each outstanding commitment.

(3) To report to the SCS state conservationist the amount of uncommitted grant funds.

(4) To make no new commitments and enter into no new RCWP contracts.

(b) Termination costs. The SCS Administrator is to determine, according to applicable Federal regulations, whether the administering agency is entitled to termination costs.

(c) Existing RCWP contracts. Within 5 calendar days after the effective date of a grant termination, existing RCWP contracts and other related obligations are to be transferred to the appropriate ASCS county office(s) to insure continuity in payments to participants. The SCS state conservationist is to immediately initiate action to name a new administering agency to complete the project.

§502.26 Project termination.

If an adequate level of participation for a project cannot be achieved, the SCS state conservationist is to:

(a) Publish in a newspaper in the project area a notice of intent to terminate all or part of the project and all or part of the grant agreement. The notice is to announce the time and place of the public hearing.

(b) Conduct a public hearing in the project area no sooner than 15 days after publication of the notice.

(c) Determine if the grant is to be terminated by considering:

- (1) Results of the public hearing;
- (2) Performance of the administering agency; and
- (3) Recommendations of the SRCWCC.

(d) Follow the procedures in §§502.22 and 502.25 if the grant is to be terminated.

(e) Prepare a project closeout report summarizing the actions accomplished.

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§502.27 Project completion and grant closeout.

(a) Project completion. The maximum life of a project between the beginning of the period for making contracts and the end of the last contract is to be 15 years or less. When the administering agency has fulfilled all of its obligations in the long-term RCWP contracts, the grant agreement or fund transfer agreement expires.

(b) Administering agency responsibilities. To close out a grant agreement, the administering agency has the following responsibilities:

(1) To refund to SCS any unencumbered funds that were advanced.

(2) To submit to SCS within 90 days after completion of the project all financial, performance, and other reports required by the grant. SCS may grant an extension if requested.

(3) To account for any property acquired with grant funds or received from SCS in accordance with the provisions of Attachment N of OMB Circular No. A-102 and Property Management Standards attached to the agreement.

(c) SCS responsibilities. SCS has the following responsibilities in grant closeout:

(1) To make prompt payments to the administering agency for allowable costs under the grant where payment by SCS has been on a reimbursable basis.

(2) To adjust the Federal cost share if necessary according to the reports submitted by the administering agency and the results of the final audit if not performed prior to closeout.

(3) To insure that all the applicable administrative actions required by OMB Circular No. A-102, Attachment L have been followed.

§502.28 Regulations applicable to this subpart.

"§634.17 Termination of grant agreement.

(a) Termination agreement or notice. (1) The State Conservationist, SCS, may, based on evidence of failure to comply with the terms of the grant agreement, issue a notice of intent to terminate the grant agreement. The notice of intent to terminate has the force and effect of extending or modifying the conditions of the suspend order. Any modification of the conditions of the suspend order shall be shown in the notice and discussed with the administering agency. The State Conservation shall give not less than ten (10) days written notice to the

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administering agency (certified mail, return receipt requested) of intent to terminate the grant in whole or in part.

(2) After the administering agency has been afforded an opportunity for consultation, the State Conservationist, SCS, may request authorization from the Administrator, SCS, to terminate the grant in whole or in part. If the Administrator, SCS, concurs in the termination action, the proposed termination notice will be forwarded to the Administrator, EPA, for concurrence.

(3) After the Administrators, SCS and EPA, have been informed of any expressed views of the administering agency and concurred in the proposed termination, the State Conservationist, SCS, may, in writing (certified mail, return receipt requested), terminate the grant in whole or in part.

(4) Termination of all or part of the grant agreement may be carried out by either execution of a termination agreement by the State Conservationist, SCS, or issuance of a grant termination notice by the State Conservationist, SCS. The agreement or notice shall establish the effective date of termination of the grant, the basis for settlement of grant termination costs, and the amount and date of payment of any sums due either party.

(b) Basis for termination. A grant may be terminated by SCS for good cause subject, to negotiation and payment of appropriate termination settlement costs. Cause for termination by SCS includes:

(1) Failure by the administering agency to make satisfactory progress toward achieving an adequate level of participation; or other evidence satisfactory to the NRCWCC, Administrator, EPA, and the Administrator, SCS, that the administering agency has failed or is unable to perform in accordance with the provisions of the grant agreement; or

(2) Failure through no fault of the administering agency to achieve an adequate level of participation; or other evidence satisfactory to the NRCWCC, Administrator, EPA, and the Administrator, SCS, that the planned actions approved in the project application cannot be achieved.

(c) Effect of grant termination. (1)(i) In those cases where cause for grant termination is based on the administering agency's failure or inability to perform

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(634.17(b)(1)), upon termination, the administering agency must refund or credit to the United States that portion of the grant funds paid or owed to the administering agency and allocable to the terminated project work. Funds needed to meet unavoidable commitments may be retained. All other funds, including unexpended cost-sharing monies for existing RCWP contracts executed prior to the termination date, shall be refunded to the United States. The administering agency shall not make any new commitments or enter into any new RCWP contracts. The administering agency shall reduce the amount of other outstanding commitments insofar as possible and report to the State Conservationist, SCS, the uncommitted balance of funds awarded under the grant. The allowability of termination costs will be determined in conformance with applicable Federal cost principles.

(ii) Upon termination of a grant agreement, existing RCWP contracts and their related obligations will immediately, and in no case later than 5 calendar days be transferred to the ASCS county office to assure continuity in payments to participants. The State Conservationist, SCS, will immediately initiate action under §634.15 to establish a new administering agency for completion of the project.

(2) In those cases where cause for grant termination is based on failure to achieve the planned actions through no fault of the administering agency, the termination agreement and amended grant agreement are to permit the administering agency to fulfill the obligations of its existing RCWP contracts. The administering agency shall not make any new commitments or enter into any new RCWP contracts without SCS approval.

§634.18 Termination of project.

(a) An RCWP project is terminated by the State Conservationist because an adequate level of participation cannot be achieved. Upon this determination, the State Conservationist shall publish in a newspaper of public record in the project area a notice of intent to terminate all or part of the grant agreement and the project (§634.7(c)), and an announcement of the time and place of a public hearing.

(b) No sooner than 15 days from the publication of the notice of intent to terminate all or part of the project and grant agreement, the State Conservationist will conduct a public hearing in the project area.

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(c) If, based on the hearing record, the performance record of the administering agency, and the recommendations of the SRCWCC, the State Conservationist determines that the project will be terminated pursuant to §634.17(c), the State Conservationist will enter into a grant termination agreement or issue a grant termination notice.

(d) The existing RCWP contracts will be transferred to the ASCS county office pursuant to §634.17(c)(1)(ii).

(e) The State Conservationist will prepare a project close-out report summarizing the actions accomplished.

§634.19 Project completion and closeout.

(a) The maximum total life of a project shall be fifteen (15) years or less.

(b) The allowable contracting period may be increased if an adequate level of participation has been achieved and the designated management agency assures a significant increase in participation can be reached in a reasonable time.

(c) The grant or fund transfer agreement with an administering agency shall expire when the administering agency has fulfilled all of its obligations in the long-term RCWP contracts.

(d) When a project is completed, the administering agency is to provide the State Conservationist, SCS, a closeout report which summarizes the actions accomplished."

§502.30 General.

An approved water quality plan is the basic document for implementing the land owner or operator's (participants) actions for treating agricultural nonpoint sources of pollution on their property. The soil conservation district reviews the water quality plan to insure that it includes treatment of all critical areas and/or sources. The Soil Conservation Service insures that the plan is technically satisfactory for achieving the project objectives.

§502.31 Eligible land.

(a) Regulation applicable to eligible land is:

"§634.20 Eligible land.

(a) RCWP is only applicable to privately owned land. Land owned by corporations whose ownership is public (i.e., their stock is publicly traded over the market) is eligible for program assistance only if the corporation can document that the installation of BMPs places an inappropriate financial burden on the corporation."

(b) Indian lands. Indian lands are included as privately owned lands for the purpose of the RCWP.

(c) Acreage limitation. There is no acre limit for RCWP contracts.

§502.32 Eligible participants.

(a) Regulations applicable to eligibility of participants are:

"§634.21 Eligible participants.

(a) Any land owner or operator whose land or activities in a project area is contributing to the area's agricultural nonpoint source water quality problems and who has an approved water quality plan is eligible to enter into an RCWP contract.

(b) This program will be conducted in compliance with all nondiscrimination requirements as contained in the Civil Rights Act of 1964 and amendments thereto and the Regulations of the Secretary of Agriculture (7 C.F.R. 15.1-15-12)."

(b) A participant may be an individual, partnership, association, corporation, estate, or trust engaged in an agricultural enterprise as an owner, landlord, operator, or tenant.

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§502.33 Eligible Best Management Practices (BMP's).

(a) BMP's included in water quality management plans. Only those BMP's that are consistent with the approved 208 water quality management plan and in the approved RCWP project application are eligible for inclusion in the participant's contract.

(b) Site specific BMP's. Because of varying conditions nationally, it is not practicable to specify eligible BMP's for all geographic areas and categories of pollutants.

(c) Feedlots. RCWP is limited to control of nonpoint source pollution. Large concentrated animal feeding operations as defined in 40 CFR, Part 125.51, generally 1,000 animal units or more, are considered point sources. BMP's may not be cost shared on these feedlots; however, BMP's may be cost shared to treat other sources of pollution on the same farm including the diversion of water from the feeding operations.

(d) BMP standards and specifications. (1) The SCS field office responsible for certifying technical adequacy of BMP's is to maintain a file of standards and specifications for each BMP to be cost shared under RCWP, including those from other agencies.

(2) Forest Service or State Forestry Department standards and specifications may be used for forestry-related BMP's. These standards are also to be kept on file in the SCS field offices.

(3) The recommendations of SEA Extension Service and cooperating State extension services may be used for fertilizer and pesticide BMP's. If used, they are to be kept on file in the SCS field offices.

(e) Control for contract purposes. Control means possession of land by ownership, lease, or rental agreement. If the participant has possession under a right that is less than a full legal right, the administering agency must determine whether it is probable that he or she will control the land throughout the contract period. The administering agency may determine that a participant has control of the land if he or she customarily leases the land on a year-to-year basis or has a lease that will expire before the RCWP contract expires but there is good reason to expect that the lease will be extended. The administering agency is to inform the participants of the consequences of failure to complete the contract because of a change in operators.

§502.34 Application for assistance.

(a) Regulations. Regulations applicable to application for assistance are:

"§634.22 Application for assistance.

(a) Land owners or operators must apply for RCWP assistance through the office of the administering agency or its designee(s) by completing the prescribed application form."

(b) The priority for assistance among land owners and operators in developing water quality plans is to be determined jointly, through an agreed-to process, by the County ASC Committee and the soil conservation district, with technical assistance from SCS.

(c) Applications that are ineligible or technically infeasible are to be returned to the applicant with a letter stating the reasons for disapproval. Applications that are of a low priority will be retained and the applicant will be sent a notice that the application is being held for a period to be determined locally for future consideration."

(b) Assistance in preparing application. A landuser may request assistance in preparing an application at any local office of the administering agency, the county Agricultural Stabilization and Conservation Service, the soil conservation district, the Soil Conservation Service, or other offices designated by the administering agency.

(c) Assignment of priorities. The RCWP project application is to explain the process for setting priorities for developing RCWP contracts with landusers who apply for assistance. The process is to be reviewed and revised as needed by the conservation district and the ASC county committee. The following factors are to be considered in setting priorities for applications:

(1) Type and severity of water quality problems, including animal waste, nutrients, pesticides, salinity, and sediment.

(2) Size of area with water quality problems.

(3) Location within project area.

(4) Land use changes needed.

(5) Offsite effects on environment and community.

(6) Onsite environmental effects.

(7) Other resource problems.

(8) Use of data from local testing and monitoring activities.

502.34(d)

(d) Technical assistance priority. After priorities have been established, the soil conservation district is to send a copy of the application showing the assigned priority to the Soil Conservation Service field office for technical assistance in developing the water quality plan and contract. SCS is to provide technical assistance according to the priority shown on the application.

§502.35 Participant's water quality plan.

(a) Regulations. Regulations applicable to participants' water quality plans are:

"§634.23 Water quality plans.

(a) The participant's water quality plan, developed with technical assistance by the SCS or its designee, is to include appropriate BMPs identified in the approved agricultural portion of the 208 water quality management plan. Such BMPs must reduce the amount of pollutants that enter a stream or lake by:

(1) Methods, such as reducing the application rates or changing the application methods of potential pollutants, and

(2) Methods, such as practices or combinations of practices which prevent potential pollutants from leaving source areas or reduce the amount of potential pollutants that reach a stream or lake after leaving a source area.

(b) Participants' water quality plans shall as a minimum include BMPs for all critical areas or sources. The plans will include BMPs which are required but not cost-shared. Non-cost-shared BMPs, essential for the performance and maintenance of cost-shared BMPs shall be required as a condition of the RCWP contract.

(c) The participant is responsible for compliance with all other applicable Federal, State, and local laws that deal with the participant's nonpoint source water quality problems, such as the treatment, storage, and disposal of hazardous waste. BMPs required for compliance may be cost shared.

(d) It is recognized that the participants' water-quality plans upon which the RCWP contracts are to be based may include conservation measures other than those related to water quality improvement. These measures are not eligible for cost sharing under this program. The installation of such conservation measures

will not be required as a condition of the RCWP contract and will not be shown in the time schedules for implementing BMPs.

(e) Time schedules for implementing BMPs are to be provided in the participant's water quality plan. The time schedule is to establish the length of the contract within the 5 to 10 year period established by law.

(f) The Soil Conservation Service will certify as to the technical adequacy of the water-quality plan.

(g) The soil conservation districts are to review and approve all water-quality plans and modifications."

(b) Developing the water quality plan. Planning is a joint effort to identify water quality problems and solutions by pooling the technical knowledge and experience of the technician with the practical knowledge and experience of the land user. The land user's participation in planning is necessary to the success of the plan. Planning assistance usually follows the following sequence:

(1) Providing information. Potential participants need to be informed of the benefits to themselves and society of participating in the program. Information effectively presented motivates land owners and operators to request assistance in solving problems that adversely affect water quality.

(2) Receiving applications. RCWP is a voluntary program. The participant must complete an application for the RCWP. The procedure for making an application is in §502.34.

(3) Land owner or operator objectives. Specific objectives that contribute to improving water quality are identified and related to the program objectives. Participation in RCWP will also contribute to completion of the participant's conservation plan or will stimulate interest in developing a new or revised conservation plan.

(4) Inventories. The entire ownership within the project area must be studied to insure that all problem areas and/or sources are identified. The technician gathers appropriate resource data on the participant's planning unit including a current soil survey and inventories as required by the complexity of the water quality problem. Emphasis is toward identifying the location, extent, and significance of critical areas and/or sources on the participant's planning unit.

(5) Interpretation of inventory data. After areas or sources have been identified, the significance of each area to project objectives must be determined. Problem areas are categorized in order of significance. The most significant problem areas or sources are

502.35(b)(5)

designated "critical areas or sources." Data from inventories must be interpreted in a form that the participant can readily understand and use. Onsite review and discussion of the inventory data is most effectively accomplished while walking over the land with the participant. Maps, charts, and written materials may be used as appropriate to help the participant decide.

(6) Alternatives. Inventory data and interpretation and analysis usually identifies alternative approaches to or systems for solving water quality problems. Alternative systems of BMP's should be evaluated and discussed with the participant. Onsite and offsite physical, economic, social, and environmental effects of each alternative should be discussed.

(7) Making decisions. After considering the alternative methods for achieving water quality objectives, the participant selects the alternative system of BMP's that best fits their situation.

(8) Recording and documenting decisions. All decisions must be recorded in a form that can serve as the basis for an RCWP contract. The water quality plan must include:

(i) A brief narrative of the water quality plan objective, including the critical areas or sources to be treated; this narrative is to be recorded on Form SCS-CONS-6. See Exhibit §505.36-1, -2 Plan/Schedule of Operations;

(ii) A water quality plan map or sketch showing problem areas, acreages, and location of best management practices (BMP's);

(iii) BMP's to be used to treat the critical areas or sources;

(iv) Those practices or identifiable units that make up the BMP's including the quantities and estimated cost and cost share; and

(v) A schedule for application of the practices.

(9) Concurrence and approval. An official of the conservation district and the SCS district conservationist are to approve of the water quality plan and schedule of operations (Exhibit §505.36-1, -2). The participant indicates acceptance of the water quality plan and schedule of operations by signing the RCWP contract, Form SCS-WR-2 (Exhibit §505.31). In reviewing and approving the water quality plan, the soil conservation district insures that it includes treatment of all critical areas or sources. SCS insures that treatment planned and scheduled is technically adequate to treat critical areas or sources.

(10) Implementing decisions. Plan decisions are implemented by entering into a RCWP contract to install BMP's necessary to treat the critical areas and sources. Administrative procedures for contract organization and preparation are in Part 502, Subpart F.

SUBPART D - PARTICIPANT WATER QUALITY PLAN AND CONTRACT

502.35(b)(11)

(11) Reevaluation and updating. A contract may be modified if the participant and the administering agency reevaluate the contract and find it in need of updating or revision. Contract modification procedures are in §502.73.

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502.43(c)

§502.40 BMP's eligible to be cost shared.

BMP's to be cost shared must have a positive effect on water quality by reducing the amount of agricultural nonpoint source pollutants that enter a stream, lake, or underground water source.

§502.41 BMP's not eligible to be cost shared.

Cost sharing is not to be made available for:

(a) Measures installed primarily for bringing additional land into crop production, including but not limited to land clearing and brush removal;

(b) Measures installed primarily for increasing production on existing cropland, including but not limited to bedding, field ditches, open drains, and tile drains;

(c) Measures having flood protection as the primary purpose, including but not limited to open channels, clearing and snagging, and obstruction removal;

(d) Structural measures authorized for installation under Public Law 83-566.

§502.42 Determining cost-share levels (percentage).

The SCS Administrator will approve BMP cost share levels for the project when the RCWP project is approved. The administering agency, in consultation with the county ASC committees, soil conservation districts, and designated management agency are to annually set maximum cost-share levels for each BMP in the project area. Cost-share levels for any BMP cannot exceed 50 percent unless a variance is granted.

§502.43 Variances.

(a) Included in project application. A request for a variance in project cost-share levels and levels for individual BMP's is to accompany the project application and be documented therein. (See §501.13(f).)

(b) For individual BMP's. A variance from the 50 percent cost share level is to be requested if any BMP is to be cost shared from Federal funds above 50 percent. If the variance is granted, it will apply to that BMP for all participants in the project area.

(c) Limited to project cost share level. If a variance is granted to exceed the 50 percent Federal cost share level, the administering agency may vary individual BMP rates above the 50 percent level as long

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as the cost share level approved for the overall project is not exceeded. For example, if the Federal cost share level for a project is approved for 70 percent, individual BMP cost share rates could vary from 20 percent to 90 percent as long as the 70 percent project cost share level is not exceeded. Current estimated costs are to be used in evaluating the project cost.

(d) Supplement. To increase the Federal cost share level for the project, the administering agency must submit a supplement to the project application to the SCS Administrator for approval.

§502.44 Cost-share levels in participant contracts.

(a) Method of payment. Participants' contracts are to provide for cost sharing at the percentage specified in the project application. Payments are to be made by one of the following methods:

- (1) Average cost (see §502.46), or
- (2) Actual cost not to exceed average cost (see §502.47).

(b) Variances. The cost-share level in participants' contracts cannot exceed the level established in the approved project application. If a variance from the 50 percent limitation is needed, a supplemental project application must be approved. Variances may be requested if:

- (1) The main benefits to be derived from measures are related to improving offsite water quality, and
- (2) The matching share requirements would place a burden on the land owner or operator which would probably prevent him or her from participating in the program.

(c) Exceptions to the amount in the contract. If the average cost at the time of starting the installation of a BMP or identifiable unit is less than the cost specified in the contract, payment is to be at the lower rate. If the costs at the start of installation are higher, payment may be made at the higher rate. If the higher cost significantly increases the total cost-share obligation, the contract must be modified.

§502.45 Factors not affecting participant's cost share.

(a) Land value and water rights. The value of land on which BMP's are applied and the participant's water rights are not considered part of the participant's share of the costs.

(b) Contributions from other sources. A participant cannot receive cost-sharing funds from other Federal agencies on the same BMP for which RCWP cost-sharing is paid. The participant may, however, receive other Federal cost-sharing assistance on other practices not included in the

RCWP contract. A participant may receive assistance from State or local cost-share programs on a BMP in an RCWP contract, but the total received must not exceed 100 percent of the cost of the BMP.

§502.46 Determination of average costs.

(a) Average cost data. The basic element in the determination of an average cost is the actual cost to participants of installing a BMP or an identifiable unit. Actual cost includes labor, operating supplies, and other direct costs required for physical installation of a BMP. Data on actual costs are to be collected from participants on a continuing basis. In addition to actual cost, the administering agency may consider cost information from contractors, suppliers, ASCS, county extension service, and other sources to determine average cost.

(b) Recording cost data. Average cost data collected may be recorded on SCS-CO-154, Summary-Actual Costs of Seed, Trees, and Shrubs, and SCS-CO-155, Summary-Actual Costs of Installing Practices, Exhibit §§505.45 and 505.46.

(c) Representative data. The administering agency is to collect actual cost data on a representative number of jobs for all eligible BMP's or identifiable units in the project area. Cost data for practices other than BMP's may be used if BMP data are not available, to the extent components are similar.

(d) BMP list and cost-share rate schedule. All cost data used in determining average costs are to be filed in the office where average costs are determined. These data must be available for program audit review during the project period. The BMP list and cost share rate schedule (Exhibit §505.47) prepared and approved by the administering agency for each designated RCWP project area is to be forwarded to the SRCWCC for annual review.

(1) The State or local administering agency may obtain SCS and ASCS assistance as needed in preparing, documenting, and reviewing average costs.

(2) The SRCWCC is to review average costs for consistency with average costs in other USDA programs as well as for consistency with other RCWP project areas in the State.

(e) Effective date of average cost. The average cost list for a project or any changes thereto are effective on the date they are approved and signed by the administering agency.

(f) Supplementing the average cost list. The approved BMP average cost list may be supplemented or amended at any time by the administering agency. The administering agency must determine that the

502.46(f)

supplement or amendment is consistent with the BMPs in the 208 plan. The SRCWCC is to review supplements to approved cost lists. See Exhibit §505.48 for a example of a supplement.

(g) Change in average costs. Changes in average costs are not to be made unless actual costs of installing a BMP have increased or decreased by 10 percent or more. If only a few changes in average costs are required, it is not necessary to prepare a complete new project area average cost list. The existing average cost list may be supplemented showing the revised BMP's. Changes may be made by the administering agency by supplementing the list in the same manner as a complete list.

§502.47 Application of actual cost.

The actual cost not to exceed average cost method is applicable when:

(a) The participant may be able to buy materials and services in quantity at discount prices below the average costs developed for average size jobs. This may occur on large jobs such as those scheduled under a pooling agreement.

(b) It is likely the cost of materials and services may go down sufficiently to result in a windfall profit to the participant.

(c) For used materials as may be authorized in the contract and which the participant purchases specifically for a specified BMP or identifiable unit.

§502.48 Payment on completion of practice.

Participants are to obtain or contract for materials or services as needed to install BMP's. The administering agency is to make cost-share payments on certification by the SCS district conservationist that the BMP's or an identifiable unit thereof have been carried out and meet the appropriate standards and specifications. For details on cost-share payments see Part 503, Subpart B.

§502.49 Maximum payment.

(a) The maximum total Federal cost-share payment to a participant is \$50,000. Exceptions to this limit may be made by the administering agency with concurrence of the SCS Administrator on recommendation on the NRCWCC, where it is determined that the main benefits to be derived are essential for meeting the water quality objectives in the project area.

(b) The following policy and conditions are to be used to avoid a scheme or device to exceed the \$50,000 maximum payment limitation per participant.

(1) Policy. Treat each individual, partnership, corporation, or other legal entity as a separate participant unless there is reason to believe that such entity does not meet the conditions in (2) of this section. No participant can receive one maximum limitation as an owner and another as a tenant.

(2) Conditions of eligibility. To be treated as a separate participant for cost-share approval, each person must:

(i) Have a separate and independent interest in the farm or ranchlands involved and the income therefrom as owner, landlord, tenant, or sharecropper.

(ii) Exercise independent responsibility for management for that person's interests in such lands.

(iii) Pay his or her share of the cost of performing approved BMP's from funds or an account separate from that of any other entity.

§502.50 Regulations applicable to this subpart.

"§634.24 Cost sharing.

(a) The portion of BMP cost (including labor) to be cost shared shall be that part which the Secretary determines is necessary and appropriate. The value of land upon which BMPs are applied, or the participant's water rights, cannot be considered a part of the participant's share of the cost.

(b) The administering agency, in consultation with the county ASC committee(s), soil conservation district(s), and designated management agency will annually set maximum individual BMP cost-share levels for the project area. However, the Federal share of the cost of the contract cannot exceed 50 percent unless a variance has been granted.

(c) Recommended variances exceeding the 50 percent level must be in the public interest and based on the following criteria:

(1) The main benefits to be derived from measures are related to improving offsite water quality, and

(2) The matching share requirements would place a burden on the land owner or operator which would probably prevent him or her from participating in the program.

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(d) BMPs to be cost shared must have a positive effect on water quality by reducing the amount of agricultural nonpoint source pollutants that enter a stream or lake.

(e) Cost sharing is not to be made available for:

(1) Measures installed primarily for bringing additional land into crop production, including but not limited to land clearing and brush removal;

(2) Measures installed primarily for increasing production on existing crop land, including but not limited to bedding, field ditches, open drains, and tile drains;

(3) Measures having flood protection as the primary purpose, including but not limited to open channels, clearing and snagging, and obstruction removal;

(4) Structural measures authorized for installation under Public Law 83-566.

(f) The Federal cost-share level is not to be reduced by the contribution of a State or subdivision thereof. Total payments from Federal, State, and local sources for a BMP may not exceed the total cost of that BMP."

"§634.27 Cost-share payments.

(a) General. Participants are to obtain or contract for materials or services as needed to install BMPs. Cost-share payments are to be made by the administering agency upon certification by the District Conservationist, SCS, or its designee, that the BMPs, or an identifiable unit thereof, have been properly carried out and meet the appropriate standards and specifications.

(b) Payment maximum. The maximum total Federal cost-share payment to a participant shall be limited to \$50,000. Exceptions to this limit may be made by the administering agency with concurrence of the Administrator, SCS, upon recommendation of the NRCWCC, where it determines that the main benefits to be derived are essential for meeting the water quality objectives in the project area.

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(c) Basis for cost-share payment. (1) Cost-share payments are to be made by the administering agency at the cost-share percentage and by one of the following methods designated by the administering agency and set out in the contract:

- (i) Average cost, or
- (ii) Actual cost not to exceed average cost.

(2) If the average cost at the time of starting the installation of a BMP or identifiable unit is less than the costs specified in the contract, payment is to be at the lower rate. If the costs at the start of installation are higher, payment may be made at the higher rate. A modification will be necessary if the higher cost results in a significant increase in the total cost-share obligation. Cost-share payment is not to be made until the modification reflecting the increase is approved.

(d) Average cost development. Average costs are to be developed by the administering agency for each project using cost data from the local area. These costs should be reviewed by the SRCWCC for consistency with average costs in other UJDA programs. The average cost list is to be updated annually by the administering agency."

§502.60 Regulations applicable to contracting.

"§634.25 Contracting.

(a) To participate in RCWP, a land owner or operator must enter into a contract in which he or she agrees to apply his or her water-quality plan. Any person who controls, or shares control, of the farm, ranch, or other land for the proposed contract period (5 to 10 years) must sign the contract.

(b) Cost-sharing payments cannot be provided for any measure that is initiated before the contract is approved by the administering agency.

(c) The participant must furnish satisfactory evidence of his or her control of the farm, ranch, or other land. The administering agency is to determine the acceptability of the evidence and maintain current ownership evidence in the contract file.

(d) RCWP contracts shall include the basic contract document, special provisions as needed, the participant's water-quality plan, schedule of operations, and any other data necessary.

(e) SCS or its designee shall approve the technical adequacy of the RCWP contract and obtain the required signature of the participants. The SCS or its designee will provide the contract to the administering agency for certification of fund availability and for execution.

(f) Participants shall install best management practices according to the specifications that are applicable at the time measures are installed.

(h) The RCWP contract is to require BMPs to be operated and maintained by the participant at no cost to the administering agency.

(i) The contract period is to be not less than 5 and not more than 10 years. A contract is to extend for at least 1 year after the application of the last cost-shared BMPs. All contract items are to be accomplished prior to contract expiration."

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"§634.27 Cost-share payment.

(i) Access to land unit and records. Any authorized administering agency or SCS employees or agents, shall have the right of access at reasonable times to land under application or contract, and the right to examine any program records to ascertain the accuracy of any representations made in the application or contract. This is limited to the right to furnish technical assistance and to inspect work performed under the contract."

§502.61 Contract file content and organization.

The RCWP contract will include the following documents. It is suggested the documents be arranged in a 6-part folder with the first item listed on top as follows:

(Note: The conservation plan may be filed on the first and second cover when the RCWP contract does not cover the entire operating unit.)

- First cover
 - * Contract-related correspondence in date order.
- Second cover
 - * Status review, SCS-CO-13 (Exhibit §505.34) and the contract check list (Exhibit §505.44).
- Third cover
 - * Authorization for materials or services SCS-BF-140 (Exhibit §505.69) and other applicable contract data.
- Fourth cover
 - * Application for payment, SCS-BF-141 (Exhibit §505.68).
 - * Engineering designs and specifications.
- Fifth cover
 - * RCWP plan map (aerial photo base preferred), soil map with legend, as appropriate. (Exhibit §505.35-1, -2)
- Sixth cover
 - Note: When used, file the following on the sixth cover:
Transfer agreement, §505.38
Contract termination, §505.39
Noncompliance, §505.40
 - * Contract, SCS-WR-2 (Exhibit §505.31).
 - * Special provisions, as applicable (Exhibit §505.32).
 - * Contract supplement, as required (Exhibit §505.33).

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502.63(c)

Notice of contract termination, §505.41	* Water quality plan/schedule of operations, SCS-CO-11 or (Exhibits §505.36-1, -2).
Certification of nonsegregated facilities, §505.50	* Contract modifications, SCS-CO-12 (Exhibit §505.37) will be filed on top of the contract form SCS-WR-2.

§502.62 Contract numbering and distribution.

(a) Contract numbering. The administering agency is to assign each contract an identifying number in a contract numbering series. The number should be affixed after the participants and the contracting officer have signed the RCWP contract and the administering agency has certified that funds are available.

(b) Distribution. Copies of the contract are to be distributed by the administering agency as follows:

- Original - Administering agency.
- First copy - Participant who will conduct contract business.
- Copy - Soil conservation district if they are not the administering agency.
- Copy - SCS field office. (SCD and SCS may share a copy when colocated.)
- Copies - Other participants signatory to the contract.

§502.63 Preparation of contract form.

(a) Contract. The RCWP Contract, SCS-WR-2, is to be prepared by SCS or others as designated by the SCS state conservationist. See Exhibit §505.32.

(b) Names and signatures. All persons who control or share control of that portion of a land unit under contract must be listed on and must sign the contract. The status of each participant such as owner, co-owner, tenant, partner, or operator, is to be shown in Part I and/or Part III. The contract must then be signed and dated by the administering agency contracting officer to indicate approval.

(c) Contract period. Enter the period of the contract necessary for the participant to carry out the water quality plan and schedule of operations. See §502.67(a)(2) for information about the expiration date of a contract.

502.63(d)

(d) Other information. Information on the location and acreage of the land unit and the designated administering agency is to be provided in Part I. Information is to be obtained from the Application for Participation, Form SCS-WR-1 (Exhibit §505.30), or from the participant.

§502.64 Special provisions.

(a) General. Special clauses of additional terms and conditions are to be made a part of the contract under certain conditions and for specific purposes, provided they are not contrary to the RCWP regulations and policies. Additional terms and conditions are to be prepared on a separate sheet under the heading "Special Provisions" (Exhibit §505.32) and included as part of the contract and attached to the contract form. Special provisions, as shown in this section and in the exhibit, may be added for such purposes as to designate the basis for payments, provide for nondiscrimination and equal opportunity provisions when construction costs exceed \$10,000, establish contract provisions for authorization for payments to contractors and suppliers, establish a contract basis for altering the plan/time schedule without a contract modification, and a provision for substitution or changes in materials or type of practice.

(b) Payments. The payment clauses, Nos. 1(a), (b), and (c), Exhibit §505.32, are to be included in all contract special provisions.

(c) Nondiscrimination and equal opportunity. Nondiscrimination and equal opportunity provisions must be included in contracts if the estimated Federal cost share plus the participant's share exceeds \$10,000 for any single contractual arrangement involving construction. See §502.56 for the required special provisions and contract forms when construction work is involved. Construction is defined as the building, alteration, or repair (including dredging and excavating) of structures and other works of improvements such as dams, channels, levees, and other real property.

(d) Authorization for payments to contractors and suppliers. The following clause must be included as a special provision if the contracting officer intends to authorize the participant to purchase materials and services directly from a vendor or contractor for which the administering agency will pay the vendor or contractor directly. (See Part 503, Subpart B for further details.)

"In accordance with Section 634.27(f), RCWP Regulations, the contracting officer may issue an authorization for a participant to purchase materials and services for which the administering agency will pay the vendor or contractor."

(e) Time schedule. The time schedule, Clause 2, included as a special provision in Exhibit §505.32 may be used to eliminate modifications to reschedule BMP's or identifiable units (§502.72).

(§634.26(d)). Contract items to which this clause will apply must be carefully selected and those items that are excepted from the time schedule contract requirements are to be listed by number. If none are excepted, so indicate.

(f) Substitution and changes in materials or type of BMP. The following clause may be included as a special provision to eliminate modifications that provide for substitution or changes in materials or mixtures, component parts, or type of a BMP (see §502.72 (§634.26(c)):

"Designation "S" following the BMP identification means a modification is not necessary because of substitution of mixtures, changes or elimination of component parts of a BMP, or change in type of a BMP according to final design provided the substitution or change does not significantly increase the cost-share and is in accordance with the SCS technical guide."

§502.65 Supplemental contract provisions.

(a) General. The contract form, under Part II, Terms and Conditions, may be supplemented to simplify contract servicing. The supplement, Exhibit §505.33, may be added to the contract by the administering agency if it is not included in the original contract. When the contract is supplemented in this manner, the following wording is to be added as Clause D in Part II to the contract:

"See Supplement Number 1, attached hereto and made a part hereof."

(b) Purposes. Supplements may be used for the following purposes:

(1) If two or more participants sign a contract, it may be supplemented to:

(i) Make cost-share payments to one of the participants identified on Form SCS-BF-141, and/or

(ii) Allow one participant to sign applications for cost-share payments, SCS-BF-141 (Exhibit §505.33, Clause 1).

(2) One participant may be authorized to sign contract modifications or certain types of modifications. The person authorized need not be signatory to the contract. An administering agency or SCS employee cannot be authorized to sign contract modifications for the participant. The following clause, or other appropriate wording, may be used (see Exhibit §505.33, Clause 2).

502.65(b)(2)

"It is further agreed that _____,
(name)
shall sign all modifications related to this contract.
The modification documents shall be signed in the name of
by _____.

(participant) (name)

§502.66 Nondiscrimination and equal opportunity requirements.

(a) Applicable provisions. The equal opportunity clause and nonsegregated facilities provisions applicable to Federally assisted construction contracts apply to construction work carried out under RCWP if:

(1) The participant enters into any single contractual arrangement with a contractor where the estimated cost exceeds \$10,000; or

(2) The participant performs the construction work personally provided he or she employs personnel for the specific purpose of assisting in performing the work and the estimated Federal cost share plus the participant's share exceeds \$10,000 for work to be carried out during a 12-month period.

(i) The administering agency is to determine the applicability of the nondiscrimination and equal opportunity requirements and include the provisions or see that they are included, as necessary, when the participant-contractor contract is prepared.

(ii) SCS will assist administering agencies as needed on meeting equal opportunity and nonsegregated facility requirements.

(b) Special provisions. To assist participants and to insure compliance, the following clauses are to be included as a special provision in RCWP contracts where the estimated cost exceeds \$10,000:

"The participant is to obtain approval of the administering agency before entering into any contractual arrangements for the construction of BMP's estimated to exceed \$10,000, and is to include in every contract arrangement the equal opportunity clause and nonsegregated facilities provision applicable to federally-assisted construction contracts.

"The participant is to comply with Executive Order 11246 and the nonsegregated facilities provisions with regard to employing people specifically to install BMP's, if the estimated Federal cost share plus the participant's share for BMP's to be installed in any 12-month period exceeds \$10,000.

"The participant is to actively assist the administering agency in obtaining from the contractor full compliance of the equal opportunity clause and the nonsegregated facilities provisions in any contractual arrangement entered into by the participant. The administering agency is to furnish the participant all forms, posters, and instructions for compliance with Executive Order 11246 and the nonsegregated facilities provisions."

(c) Forms to be provided. Form AD-369, Equal Opportunity (Exhibit §505.49), Form SCS-AS-818, Certification of Nonsegregated Facilities (Exhibit §505.50), and Form SCS-AS-819, Notice to Prospective Federally Assisted Construction Contractors (Exhibit §505.51), are to be furnished to participants for inclusion in any contractual arrangement exceeding \$10,000. Form SCS-AS-818 is to be signed by the contractor and returned to the administering agency for filing in the contract file. The poster, Equal Employment Opportunity Is the Law, is to be posted by the participant or the contractor. SCS is to furnish the administering agency all necessary SCS forms and posters.

(d) Procedures if participant performs work. If the participant intends to perform construction work that exceeds \$10,000 and will employ personnel for the specific purpose of assisting in the construction work, SCS will furnish Forms AD-369, SCS-AS-818, and SCS-AS-819. The participant is to sign Form SCS-AS-818 and return it to the administering agency for filing in the contract file.

§502.67 Contract limitations.

(a) Time limitations. A contract is to be for a period that is needed to establish all BMP's or identifiable units in the water quality plan and schedule (Exhibit §505.36). The contract period is not to be less than 5 years nor more than 10 years.

(1) The contract is to extend for at least 1 year after the application of the last cost-shared BMP or treatment to insure adequate establishment and maintenance of BMP's, but this requirement is not to cause the contract period to exceed 10 years (see §502.60 (§634.25(i))).

(2) The term of the contract will begin on the date the contract is signed by the contracting officer of the administering agency. The expiration date is to be determined by the administering agency and may be set as the anniversary date of the last year of the contract or as June 30 or December 31 following the anniversary date of the last year of the contract.

(3) The BMP's are scheduled in the plan of operations of the contract for the calendar year.

502.67(a)(4)

(4) The maximum total life of a project is 15 years §502.28 (§634.19(a)). New contracts cannot be entered into after 5 years have elapsed from the date when RCWP funds are first made available to begin the project unless otherwise approved by the SCS and EPA Administrators.

(5) The administering agency is to make every effort to execute RCWP contracts with participants in a project area during the first 3 years after execution of the grant agreement.

(b) Financial limitations. (1) The maximum total Federal cost-share expenditures are to be limited to \$50,000 per participant unless exceptions are provided as stated in §502.50 (§634.27(b)). If the total estimated Federal cost-share for all the required BMP's in the plan and schedule of operations exceeds \$50,000, it is not necessary to limit the cost-share for any specific item or items to stay within the limitations. The total estimated cost-share amount and the \$50,000 limitation will, however, be indicated on the last page of the plan and schedule of operations.

(2) Each applicant is to indicate on Form SCS-WR-1, Application for Participation, if he or she has an existing RCWP contract in other RCWP projects.

(3) If an applicant indicates he or she has an existing RCWP contract, the administering agency is to determine who the administering agency is and establish a control procedure so that the maximum payment limitation is not exceeded. See §503.35 for guidance to avoid exceeding the \$50,000 limitation.

§502.68 Deviations from RCWP provisions.

RCWP regulations and manual provisions are to be followed unless serious conflicts develop and the administering agency cannot meet program needs using the provisions prescribed herein. Proposed deviations from OMB, Departmental, SCS, or other regulations, when considered necessary, are to be submitted by the administering agency through the SCS state conservationist to the SCS Administrator for approval. Commitments are not to be made until SCS approval is provided. The files are to be documented to support the action taken.

§502.70 Regulations applicable to contract administration.

"§634.25 Contracting.

(k) Participants may use all available sources of assistance to accomplish their water-quality objectives. They are responsible for:

- (1) Accomplishing the water-quality plan;
- (2) Keeping the administering agency informed of their current mailing address;
- (3) Obtaining, having in hand, and maintaining any required permits and landrights necessary to perform the planned work;
- (4) Applying or arranging for the application of BMPs, as scheduled in the plan, according to approved standards and specifications;
- (5) The operation and maintenance of BMPs installed during the contract period; and
- (6) Obtaining the authorities, rights, easements, or other approvals necessary to maintain BMPs in keeping with applicable laws and regulations.

(1) Unless otherwise approved by the Administrator, SCS, and Administrator, EPA, the administering agency shall not enter into any new RCWP contracts after five (5) years of elapsed time from the date when RCWP funds are first made available to begin the project."

§502.71 Regulations applicable to contracting for technical assistance.

"§634.25 Contracting.

(g) SCS will provide technical assistance to participants for installing BMPs. The State Conservationist, SCS, or its designee may enter into contracts with qualified soil conservation districts or others to provide technical assistance."

502.72

§502.72 Regulations applicable to contract modifications.

"§634.26 Contract modifications.

(a) The administering agency may modify contracts previously entered into if it is determined to be desirable to carry out the purposes of the program, facilitate the practical administration thereof, or to accomplish equitable treatment with respect to other conservation, land-use, or water-quality programs.

(b) Requirements of active contracts may be waived or modified by the administering agency only if such waiver or modification is specifically provided for in these regulations. SCS concurrence in modifications is necessary when modifications involve a technical aspect of the participant's water-quality plan. A contract may be modified only if it is determined that such modifications are desirable to carry out purposes of the program or to facilitate the program's practical administration.

(c) Contracts may be modified to add, delete, substitute, or reinstall best management practices when:

(1) The installed measure failed to achieve the desired results through no fault of the participant,

(2) The installed measure deteriorated because of conditions beyond the control of the participant, or

(3) Another BMP is substituted that will achieve the desired results.

(d) Contract modifications are not required when items of work are accomplished prior to scheduled completion or within 1 year following the year of scheduled completion.

§634.23 Water quality plans.

(g) The soil conservation districts are to review and approve all water-quality plans and modifications."

§502.73 Contract modification procedures.

(a) Modification form. Modifications in RCWP contracts are to be documented on SCS-CO-12, Revision of Conservation Plan of Operations or Modification of Contract (see Exhibit §505.37).

(b) Effective date of contract modification. The effective date of a contract modification is the date it is signed by contracting officer of the administering agency. Contract modifications affecting technical aspects of the RCWP contract are to be reviewed and concurred in by SCS before approval by the administering agency. Contract modifications to provide solely for increases in the average cost of BMP's need not be concurred in by SCS. No cost-share payments may be made for work included on a modification that is started before the date the administering agency's contracting officer signs the modification. If time does not permit delay in obtaining the contracting officer's signature, the contracting officer, after discussion with the SCS district conservationist, may give oral approval to the participant by telephone and document the file to support the action taken.

(c) Signature requirements. Unless otherwise provided in the contract, all modifications must be signed by all participants signatory to the contract and by the contracting officer and concurred in by the SCS district conservationist or other SCS designee and an official of the soil conservation district. The participant's signature block in SCS-CO-12 (Exhibit §505.37) is to be modified to provide spaces for all participants if there are more than one. The reason for any change in a contract must be clearly stated on the modification form or on a referenced attachment to the modification.

(d) Numbering of contract items. The consecutive numbering of contract items is to be continued for new contract items added by modification and is to be maintained for the life of the contract. Use the original assigned item number for any item that is modified. Each contract item for reapplying a BMP or an identifiable unit is to be numbered the same as the original item, with the suffix "RA" (reapplication).

(e) Changes by modification. Changes to be made by contract modification include but are not limited to the following:

(1) Adding land. If it is necessary to add land to a contract, the participant and the administering agency must agree and SCS must concur. There must be enough time remaining under a contract to adequately treat any land to be added. Land is to be added to the water quality plan before any RCWP cost share work is performed by the participant on such lands. If the land being added is already under RCWP contract, see Section §502.76, land transfer procedures.

(2) Deleting land. See Section §502.76 for procedure in deleting land.

(3) Changing period of the contract. Contract modifications may be used to change the period of the contract. The total period of the contract under any circumstances shall not exceed 10 years (120 months). The contract period may be reduced when it is mutually beneficial and the administering agency and SCS approve. The contract period may not

502.73(e)(3)

be reduced for the purpose of satisfying or avoiding contract violation problems, nor may it be reduced to less than 5 years (60 months).

(4) Adding BMP's. A contract may be modified to add contract items. This includes adding an item to provide for the reapplication (§502.73) of a BMP or identifiable unit that has failed. BMP's to be added must be added to the water quality plan and contract before any work is performed.

(5) Deleting BMP's. A contract may be modified to delete contract items. A contract is to include all of the BMP's agreed to by the participant to accomplish the objectives of the RCWP. The participant is expected to carry out all of the scheduled BMP's. There must be valid reason in the administering agency's or the Government's interest for deleting any contract item and each modification must show sound justification for the deletion. The water quality objectives are not to be minimized by deleting BMP's. Contract items may not be deleted because a participant elects to carry out such items under another Federal program or without cost sharing.

(6) Changing time schedule. Because many uncontrollable factors influence a participant's ability to carry out BMP's as scheduled, the administering agency and SCS should monitor the progress of applying BMP's to reduce the need for modifying contracts. Time schedules that become out of date beyond the allowances provided by §502.72 must be modified or the participant will be in violation of the contract.

(7) Changing specifications. A contract may be modified to change specifications or materials, provided the changes will meet RCWP requirements. The use of the substitution provision as explained in §502.64(f) will reduce the need to modify a contract because of a change in specifications or material.

(8) Increasing average costs. Modifications to increase average costs are to be limited to BMP's that are scheduled or planned for installation in the current year.

(i) Modifications to increase average costs are required only when the increase in the cost-share obligation is significant and failure to modify the contract would result in extensive loss to the participant.

(ii) The administering agency is to determine what is to be considered significant for application of this requirement. Cost-share payments for increases in average costs that are not significant may be made without a modification provided funds are available.

(iii) As a matter of policy, SCS considers an increase of \$1,000 or 25 percent, whichever is greater, as significant.

502.73(e)(10)(iii)

(iv) Modifications solely to increase average costs require the signature of the contracting officer only. The signature of the participant is not required if the following clause is included in the modification:

"This modification reflects increases in approved average costs. The administering agency agrees to cost share on the average costs cited herein. The participant's initial action to carry out the contract items covered by this modification is considered to be his or her acceptance of this modification."

(v) Modifications to increase average costs are normally limited to BMP's that are scheduled or planned for installation in the current year. If a modification is required during the current year for any reason, other contract items requiring additional funds may be included on the modification.

(9) Changing extent of BMP's. A contract may be modified to change the amount or extent of a BMP. Modifications to change the amount or extent of a BMP are required only if the increase or decrease is known before actual installation and will significantly increase or decrease the cost-share obligation. Administering agencies are to determine what they wish to consider significant for application of this requirement. SCS considers an increase of \$1,000 or 25 percent, whichever is greater, as significant. Any significant change in amount or extent of a contract item that is not covered by a modification must be authorized and documented by the administering agency on Form SCS-BF-141, Application for Payment, or in an attachment to the form. (§505.68)

(10) Permission to destroy a BMP. A modification is required to permit a participant to destroy or break up any established BMP or identifiable unit or a BMP for which maintenance is specified under RCWP. The participant is to obtain approval from the administering agency before destroying or breaking up a BMP or identifiable unit that was cost shared under any Federal program. SCS concurrence must be obtained for all modifications involving the breaking up of a BMP. The administering agency should use the following criteria:

(i) Clearly defined needs must be established by the administering agency before approving the destruction. It must be considered essential to the most practical operation of the land unit.

(ii) Compensatory treatment is to be required. The destroyed BMP or identifiable unit must be followed with needed compensatory treatment to adequately improve water quality and to preserve the effectiveness of other BMP's or identifiable units already installed.

(iii) If compensatory treatment consists of noncost-shared practices, all cost-share payments made for the destroyed BMP or

502.73(e)(10)(iii)

identifiable unit are to be refunded by the participant or deducted from future cost-share payments due the participant. Refunds are to be documented by the administering agency in the contract file. Refunds collected by the administering agency are to be credited to the funds available to the administering agency under RCWP as provided by the grant agreement. Deductions are to be made on the "Other" deduction line on SCS-BF-141, Application for Payment (§503.11). All cost-share payments and the cost of any materials and services purchased under Authorization for Materials or Services, SCS-BF-140, for the BMP destroyed or broken up are to be deducted by the administering agency from the cost-share payment due for the replacement BMP. Additional eligible costs that result from carrying out a replacement BMP are to be cost shared at the rate in effect at the time the replacement BMP is applied.

(iv) Failure to replace the BMP or identifiable unit destroyed with needed compensatory treatment constitutes violation of the contract and all cost-share payments made for the destroyed BMP are to be refunded by the participant.

(11) Deleting cost share. Contracts may be modified to deobligate encumbrances for contract items planned to be cost shared under RCWP, but which the participant elects to establish without cost sharing or under another Federal program. The cost-share information is to be deleted from the contract but the item is to remain in the contract and not be modified out.

(12) Adding special provisions, terms, and conditions. Contracts may be modified to add special provisions, terms, conditions, etc.

(13) Changing method of cost sharing. (i) Contracts may be modified to change the method of cost sharing from average cost to actual cost and vice versa at any time prior to the date a BMP or identifiable unit is started.

(ii) Contracts cannot be modified to change or adjust the specified cost-share level of any BMP after execution of the contract by the participant and the administering agency. The cost-share level remains unchanged for the life of the contract.

(f) Posting modifications to contracts. Modifications are to be posted to the contract plan and schedule of operations by recording the number of the modification in the reference column on the plan, SCS-CO-11 (Exhibit §505.36), on the line of the contract item that is modified. File the SCS-CO-12 (Exhibit §505.37) on top of the plan schedule. Check all modifications and the plan and schedule of operation forms to determine the status of contract items.

§502.74 Reapplication of best management practices (BMP's).

(a) No fault of participant. (1) The administering agency may find that a BMP or an identifiable unit has been carried out in accordance with RCWP provisions, but because of conditions beyond the control of the participant it has failed to achieve the desired results. The administering agency may agree, with concurrence of the SCS district conservationist's to modify the contract to authorize cost-share payments for again carrying out the BMP or identifiable unit if:

- (i) Enough time remains on the contract to allow the establishment of the BMP or identifiable unit;
- (ii) Reapplication is essential to RCWP objectives; and
- (iii) The specifications for the BMP's were met in the original application.

(A) The cost-share rate for the reapplication is to be determined by the administering agency using the rate specified in the current applicable BMP list as a guide with the approval of the district conservationist. Contract items in modifications for reapplying practices are to be numbered the same as the original contract items, with the suffix "RA" (reapplication).

(B) Participants are not required to reapply BMP's that fail or deteriorate because of circumstances beyond their control, however, they should be encouraged to do so to meet RCWP objectives.

(2) The administering agency may find that a BMP or an identifiable unit has been carried out in accordance with RCWP provisions and has achieved the desired results. However, because conditions beyond the control of the participant the practice subsequently deteriorated during the contract period to the point of needing reapplication. In such cases:

(i) The administering agency may agree, with the concurrence of the SCS district conservationist's, to modify the contract to authorize cost-share payments for reapplying the BMP or identifiable unit if enough time remains on the contract to allow the establishment of the BMP or identifiable unit.

(ii) The participant cannot be required to reapply a BMP or an identifiable unit that has deteriorated because of circumstances beyond the participant's control.

(b) Fault of the participant. If a BMP fails or deteriorates because of circumstances within the control of the participant, the participant is in violation of the terms of the contract and the terms of Part 502, Subpart H, apply. The participant may be permitted to reapply the BMP or identifiable unit that has failed or deteriorated without Federal cost sharing.

502.75

§502.75 Regulations applicable to contract modifications for transfer of land.

"§634.26 Contract modifications.

(e) If, during the contract period, all or part of the right and interest in the land unit is transferred by sale or other transfer action, the contract is terminated on the land unit that was transferred and the participant having control over such land:

(1) Forfeits all right to any future cost-share payments on the transferred land unit, and

(2) Must refund with interest all cost-share payments that have been made on the transferred land unit unless the new land owner or operator becomes a party to the contract, except that where it is determined by the administering agency, with the approval of the State conservationist, SCS, that the established BMPs will provide water quality benefits for the design life of the BMP, the payment may be retained.

(f) If the new land owner or operator becomes a party to the contract:

(1) Payment which has been earned, but not made to the participant who applied the BMPs and had control prior to the transfer, can be made,

(2) Such land owner or operator is to assume all obligations of the previous participant on the transferred land unit,

(3) The contract with the new participant is to remain in effect with the original terms and conditions, and

(4) The contract is to be modified in writing to show the changes caused by the transfer. If the modification is not acceptable to the administering agency, the provisions of (e)(1) and (e)(2) of this section apply.

(g) The transfer of all or part of a land unit by a participant does not affect the rights and obligations of other participants who have signed the contract."

§502.76 Land transfer procedures.

(a) General. (1) Land is considered "transferred" if control of the acreage is lost by a participant for any reason. "Transferor" means the participant who loses control, and "transferee" means the person who acquires control of the land.

(2) If all or a part of a land unit under contract is transferred, the contract terminates with respect to the transferred acreage unless the transferee assumes the obligations of the contract. The procedure for transferring the rights and obligations under a contract from one participant to another is determined generally by the extent of the acreage transferred and how the land will be operated after the transfer. If the transferee will not assume the obligations of the contract with respect to the transferred acreage, the transferor is subject to forfeitures and refunds (see §502.93).

(b) Transfer of all of a land unit under contract to be operated as a separate unit after transfer. (1) If all of a land unit under contract is transferred and is to be operated as a separate unit, a Transfer Agreement, SCS-CO-152, is to be executed (Exhibit §505.38).

(2) The transferee, by signing the transfer agreement, assumes all of the rights and obligations of the contract. The time limitation of the contract is not changed. A description of the acreage transferred and a list of all BMP's to be carried out by the transferee are to be included in the transfer agreement.

(3) The SCS-CO-152 should be completed as indicated in Exhibit §505.38 and the following instructions:

(i) Fill in RCWP on the blank below Transfer Agreement.

(ii) The "approved" blank is to be executed by the administering agency's contracting officer.

(4) The transferee is to be furnished a complete copy of the contract including all modifications. The original copy of the executed transfer agreement is to be filed with the administering agency copy of the contract. Copies, manually signed by both parties and the contracting officer, are to be furnished to the transferee and transferor. Conformed copies of the transfer agreement are to be furnished for holders of all other copies of the contract.

(c) Transfer of all of a land unit under contract to be combined with another land unit under contract. (1) When all of a land unit under RCWP contract is transferred and is to be combined with another land unit under RCWP contract, a transfer of the obligations of the contract is to be accomplished by modification of the contract, SCS-CO-12. Modify the contract to delete all remaining items from the transferor's contract.

502.76(c)(2)

(2) Modify transferee's contract to add the acreage transferred and the BMP's remaining to be installed. The modification is to list all BMP's carried out on the transferor's land unit and provide that these BMP's are to be maintained by the transferee. Cost sharing information is not to be shown for the completed items. The time limitation of the transferee's contract is not changed.

(d) Transfer of only a part of a land unit under contract not to become a part of another land unit under contract. (1) If only a part of a land unit under a contract is transferred and not made part of another land unit under contract, prepare a new contract. Include in the contract all BMP's to be carried out on the transferred land and all BMP's installed on the transferred land that are to be maintained by the transferee. Do not include cost-sharing information for installed items; designate them N/C (noncost shared) in the contract with the transferee.

(2) The new contract is to be for a period required to establish the scheduled BMP's, however, the period of the new contract and the period of time of the transferor's contract before transfer is to be not less than 5 years nor more than 10 years in total.

(3) The transferred acreage and all applicable BMPs are to be modified out of the contract covering the land unit from which the acreage was transferred. This is to be done using Form SCS-CO-12 after the transferee signs the new contract.

(e) Transfer of only a part of a land unit under contract to be made a part of another land unit under contract. (1) If only a part of a land unit under a contract is transferred and made a part of another land unit under contract, modify the contract to transfer the acreage and obligations. Two modifications are required using Form SCS-CO-12.

(2) One modification is used to transfer the acreage and obligations from the transferor's contract, and one modification is used to transfer the acreage and obligations into the transferee's contract.

(3) The modification to transfer the acreage and the obligations out of the transferor's contract must not be approved by the administering agency before approval of the modification transferring the acreage and obligations into the transferee's contract.

§502.77 Pooling agreements and arrangements.

(a) Regulation applicable to pooling agreement contracts:

"§634.25 Contracting.

(j) A land owner or operator may enter into a contract jointly (pooling agreement) with other land owners or operators to solve mutual water quality

problems. Each participant must enter into an RCWP contract to treat water quality problems not covered by the joint arrangement."

(b) Procedures. The following procedures apply to pooling arrangements.

(1) A pooling agreement is to be executed and signed by all participants taking part in the pooling arrangement. (See Exhibit §505.43.) The agreement is to describe and show the location of the BMP's to be installed, specify the benefits each participant will receive, state the distribution of the cost-sharing payments between participants, and define the maintenance responsibilities of each participant.

(2) Separate contracts are to be entered into with each participant. The pooled BMP's are to be included in a master contract for the land on which the major portion of the BMP's are to be installed. The other participant contracts are to be cross-referenced to the master contract and each is to include the agreed-on portion of cost sharing. A copy of the executed pooling agreement is to be a part of each participant contract. If participants who are parties to the pooling agreement have existing RCWP contracts, the cost-sharing arrangements of the pooled BMP's and inclusion of the pooling agreement in the existing contracts can be added by contract modifications.

§502.78 Annual contract status review.

(a) Annual review. The administering agency, with the technical assistance of the SCS district conservationist, is to review active RCWP contracts annually, on the land and with the participant if possible, to assess current conditions and progress in carrying out the water quality plans and schedules of operations. See Exhibit §505.34, SCS-CO-13, Annual Status Review. The original copy is to be furnished to the administering agency and copies are to be provided to other contract holders.

(b) Conditions to be reviewed. The annual review is to be used by the administering agency, with SCS assistance as needed, to carefully evaluate the participant's needs, problems, and contract status. Some of the areas that are to be checked and documented are:

- (1) Schedule for application of practices in the current year.
- (2) Need for changes in the time schedule or the BMP's.
- (3) Maintenance of BMP's previously applied.
- (4) Adequacy of applied BMP's in relation to meeting the water quality objectives of the participant's plan.

502.78(b)(5)

(5) Determination on whether land under contract is still under the participant's control.

§502.79 Contract expiration.

Contracts expire at 12:00 midnight on the final date of the contract. Onsite review of all items in a contract must be made at least 90 days before the final date of a contract. This review should be made with the participant. A record of the findings is to be made on SCS-CO-13, Status Review (Exhibit §505.34). Notice of contract expiration is not required; however, the administering agency may recognize successful contract completion with a personal letter to the participant.

§502.90 Regulations applicable to appeals not related to contract violations are:

"§634.28 Appeals not related to contract violations.

(a) The participant may, prior to execution of the contract, request that the administering agency review or reconsider criteria being used in developing his or her contract. Such review or reconsideration may include the eligibility of BMPs which had not been approved for application in the project area, cost-sharing levels for BMPs, priorities for developing water quality plans, and standards and specifications.

(1) If verbal agreement is not reached, the participant may make a written request within 30 days after receiving notice of the decision of his or her verbal request.

(2) The administering agency shall have 30 days in which to make a decision and notify the participant in writing.

(3) The decision of the administering agency shall be final.

(b) If, after the contract has been executed, the participant and the administering agency are unable to reach written agreement relative on matters which are not related to contract violations, the participant may request and receive a review by the appeals board. The administering agency will:

(1) Notify the participant, in writing, of the date the appeals board will consider the appeal.

(2) Within 30 days after receiving the administering agency's notice, the participant may file a request to appear and present oral and other evidence. If the participant does not request an appearance, the administering agency appeals board will decide the dispute on the evidence available to them, including statements or briefs of the authorized representatives of the soil conservation district and SCS. The administering agency shall notify the participants of the appeals board's decision in writing. There shall be no further administrative appeal of this decision.

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(c) Filing of documents. A document is considered filed when it is received in the office of the person or agency concerned."

§502.91 Procedures for appeals not related to contract violations.

(a) SCS assistance. If requested by the administering agency, SCS is to assist the contracting officer in making a decision. SCS assistance is limited to providing information on planning and technical assistance provided in preparing and implementing the water quality plan and contract. SCS employees are not to prepare the contracting officer's decisions--this is the responsibility of the administering agency.

(b) Appeals board designation. (1) State or local administering agencies are to designate in writing at least three members other than the contracting officer to serve as an appeals board. One member of the group is to act as the hearing officer. The SCS state conservationist is to concur in the selection of individuals for the state or local appeals board. This may be by an exchange of correspondence. Documentation is to be kept in the agreement files of SCS and the administering agency. The board is to provide administrative review of decisions on asserted contract violations, hear associated appeals, and report findings, conclusions, decisions, and recommendations on State- or locally-administered RCWP participant contracts.

(2) The contracting officer should act as a coordinator for the appeals board to see that the board has all the data, etc., necessary to consider the appeal. The contracting officer, however, is not to participate as a member of the board.

(3) If ASCS is designated as administering agency, appeals and reconsiderations of decisions or determinations are to be made under the procedures set out in ASCS regulations. (§502.94, 7 CFR 780). If ASCS determines that a violation has occurred, the applicable violation procedures in Part 502, Subpart H, are to be followed.

(4) Duties and responsibilities of the State or local appeals board are to be detailed by the administering agency in the letter of appointment to designated appeals board members. Assistance in developing procedures to be followed may be provided by SCS if requested by the administering agency.

§502.92 Violations.

(a) Regulations applicable to violations.

"§634.29 Violations.

(a) Actions causing violations. The following actions constitute violation of a contract by a participant:

(1) Knowingly or negligently damaging or causing BMPs to become impaired.

(2) Adopting a land use or practice during the contract period which tends to defeat the purposes of the program.

(3) Failing to comply with the terms of the contract.

(4) Filing a false claim.

(5) Misusing authorizations for payment."

(b) Definitions. (1) Knowingly or negligently damaging or causing BMP's to become impaired includes destroying or breaking up an established BMP without approval of the administering agency. This includes failure by the participant to apply compensatory treatment for a destroyed BMP.

(2) Failing to comply with the terms of the contract includes, but is not limited to, failure to carry out the water quality plan as scheduled and failure to meet SCS approved specifications in establishing BMP's. A participant who fails to carry out a BMP as scheduled in the plan is not considered in violation if he or she promptly reschedules the BMP by contract modification and the administering agency approves the modification.

§502.93 Regulations applicable to contract termination as a result of violation.

"§634.29 Violations.

(b) Contract termination as a result of violations.

(1) By signing a contract, the participant agrees to forfeit all rights to further cost-sharing payments under a contract and to refund all cost-share payments received, with interest, if the administering agency, with the concurrence of the State Conservationist, SCS, determines that:

(i) There was a violation of the contract during the time the participant had control of the land; and

(ii) The violation was of such a nature as to warrant termination of the contract.

(2) The participant shall be obligated to refund all cost-share payments and all cost shares paid under

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authorizations, with interest, at the rates established by the Secretary of the Treasury pursuant to Public Law 92-41, 85 Stat. 97.

(c) Payment adjustments and refunds resulting from violations.

(1) By signing a contract, the participant agrees to refund cost-share payments received under the contract or to accept payment adjustments if the administering agency determines and the State Conservationist, SCS, concurs that:

(i) There was a violation of the contract during the time the participant had control of the land; and

(ii) The nature of the violation does not warrant termination of the contract.

(2) Payment adjustments may include decreasing the rate of cost share, or deleting from the contract a cost-share commitment, or withholding cost-share payments earned but not paid. The participant who signs the contract may be obligated to refund cost-share payments."

§502.94 Regulation applicable to appeals in USDA administered projects.

"§634.30 Appeals in USDA administered projects.

Appeals in USDA administered RCWP projects. The participant in a USDA administered RCWP project may appeal decisions of the administering agency under the ASCS appeals procedures set out in 7 CFR 780."

§502.95 Regulations applicable to appeals of contract violations.

"§634.31 Appeals of contract violations.

(a) Scope. This section prescribes the regulations dealing with contract violations. The Administrator, SCS, reserves the right to revise or supplement any of the provisions of this section at any time if the action does not adversely affect the participant, or if the participant has been officially notified before this action is taken.

(b) Determination by administering agency. Upon notification that a contract violation may have occurred, the administering agency:

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(1) Determines that a violation did not occur or that the violation was of such a nature that no further action is to be taken; or

(2) Determines that a violation did occur and the participant agrees to accept a written penalty of forfeiture, refund, payment adjustment, or termination. If no agreement is reached, further action is to be taken."

§502.96 Procedures for contract violations.

(a) Determination requirements. Information on possible violation of an RCWP contract may be furnished to the administering agency by district, state, SCS, or other personnel. The administering agency is to ascertain in every instance if a violation has occurred and if so, determine whether a forfeiture, refund or payment adjustment, or termination is warranted. If a violation has occurred and an agreement cannot be reached, follow the procedures for notice of possible violation. (See §502.97 and §502.98.)

(b) Narrative report. A narrative report is to be prepared by the administering agency after its investigation. The report is to include the information received by the administering agency, contract requirements, findings of facts, and the contracting officer's determination. Any recommendations of the soil conservation district or ASC county committee, as appropriate, should also be included in the report.

(c) No action recommended. If no violation has occurred or if a violation has occurred but no forfeiture, refund, payment adjustment, or termination is required, no further action is necessary by the administering agency. The SCS district conservationist is to review and approve the contracting officer's report and file it with the contract.

(d) Action recommended. If a violation has occurred and forfeiture, refund payment adjustment, or termination is required, the administering agency is to attempt to obtain an agreement as provided in §502.95. The agreement is to be on Form SCS-CO-153, Agreement Covering Non-Compliance with Provisions of Contract, Exhibit §505.40, approved by the SCS state conservationist.

§502.97 Regulations applicable to notice of possible violations.

"§634.31(c) Notice of possible violations.

(1) When the administering agency is notified that a contract violation may have occurred and the matter is not resolved under §634.31(b)(1) it shall notify, in writing, each participant who signed the contract of the alleged violation. This notice setting

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forth the alleged violation may be personally delivered or sent by certified or registered mail. A participant is considered to have received the notice at the time of personal receipt acknowledged in writing, at the time of delivery of a certified or registered letter, or at the time of the return of a refused certified or registered letter.

(2) The notice shall give the participant an opportunity to appear at a hearing before an appeals board. The participant's request for a hearing shall be submitted in writing, and must be received by the appeals board within 30 days after receipt of the notice. The participant shall be notified in writing by the appeals board of the time, date, and place for the hearing. The participant shall have no right to a hearing if he does not file a written request for a hearing, or if he or his representative does not appear at the appointed time, unless the appeals board, at its discretion, permits an appearance. A request for a hearing filed by a participant shall be considered to be a request by all participants who signed the contract."

§502.98 Procedures for notice of possible violations.

The notice is to be on SCS-CO-151, Notice of Agreement or Contract Violation, as modified (Exhibit §505.39). The administering agency's designated contracting officer and the SCS state conservationist are to sign the notice. The administering agency is to forward the notice to the participant by certified mail, return receipt requested. After a Notice of Contract Violation has been issued, the hearing procedures are to be followed.

§502.99 Regulations applicable to hearings.

"§634.31

(d) Hearing. The appeals board shall conduct an open hearing to obtain the facts about the alleged violation. The appeals board shall limit the hearing to relevant facts and evidence, and shall not be bound by the strict rules of evidence. Witnesses may be sworn in at the discretion of the appeals board.

(1) The participant or his or her representative shall be given full opportunity to present oral or documentary evidence about the alleged violation. Likewise, the administering agency may submit statements and evidence. Individuals not otherwise represented at the hearing may, at the discretion of the appeals board,

be permitted to give information or evidence. The appeals board, at its discretion, may permit witnesses to be cross-examined.

(2) The appeals board shall make a record of the hearing. A summary of the testimony may be made if both the participant and the appeals board agree. A transcript of the hearing shall be made if requested by either the appeals board or the participant within 10 days prior to the hearing. If a transcript is requested by the participant, the participant may be assessed the cost of a copy of the transcript.

(3) The appeals board shall, after a reasonable period of time, close the hearing if the participant or his or her representative is not present at the scheduled time. The appeals board may, at its discretion, accept information and evidence submitted by others present for the hearing.

(4) The appeals board shall furnish the administering agency and the State Conservationist, SCS, with a written report setting forth their findings, conclusions, and recommendations. The report shall include the summary of testimony or transcript made of the hearing and any other information which would aid the administering agency in reaching a decision."

§502.100 Procedures for hearings.

(a) Hearing officer. The hearing officer appointed by the administering agency must be someone other than the contracting officer. An SCS employee may serve as a hearing officer in special cases on written request of the administering agency and approval of the SCS state conservationist; however, the administering agency is to be encouraged to provide a hearing officer.

(b) Counsel. If a violation involves a considerable amount of money or possible termination of a contract, it is advisable for the administering agency to confer with counsel. A State or local administering agency should have an attorney they can refer questions to or they may request an opinion from the regional attorney, Office of the General Counsel (OGC), through SCS. The USDA administering agency may confer directly with the attorney-in-charge of the field office of the USDA Office of the General Counsel, USDA. An OGC attorney may also serve as the hearing officer for ASCS.

§502.101 Regulations applicable to decisions on violations.

"§634.31(e) Decision by the administering agency. The administering agency shall make a decision within 30 days

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on the basis of the appeals board report, recommendations of soil conservation district board, if any, and any other information available, including if applicable, the amount of the forfeiture, refund, or payment adjustment. The decision shall state whether the violation is of such a nature as to warrant termination of the contract. The administering agency shall notify, in writing, each participant who signed the contract of its decision. The administering agency may authorize or require the reopening of any hearing before the appeals board for any reason at any time before their decision. The administering agency's decision shall be final.

(1) If the decision provides for termination of the contract, it shall state that the contract is terminated and that all rights to further cost-share payments under the contract are forfeited and that all cost-share payments received under the contract shall be refunded with interest. The decision is to state the amount of refund and method of payment.

(2) If the decision does not provide for termination of the contract, the participant may be required to make a refund of cost-share payments or to accept payment adjustments. The decision shall state the amount and justification for refunds of cost-share payments or payment adjustments."

§502.102 Procedures for contract termination by mutual consent.

(a) Regulation applicable to termination because of hardship is:

"§634.25 Contracting.

(m) Contracts may be terminated due to hardship by mutual consent if administering agency and the State Conservationist, SCS, determine that such action would be in the public interest."

(b) Termination because of hardship. Criteria for hardship exist if a participant is under such physical or mental disability that it would not be reasonably possible for him or her to carry out the terms and conditions of the contract; and that to require him or her to do so would result in severe loss or undue hardship. Terminations for hardship may be made without recovery of cost shares if approved by the administering agency and the SCS state conservationist.

(c) Termination by mutual agreement. Contracts may be terminated by mutual consent under the following conditions:

(1) A contract may be terminated by mutual consent for any mutually acceptable reason if the participant agrees to refund all of the cost-share payments made under the contract. The SCS state conservationist is to approve any contract termination by mutual consent.

(2) A contract may be terminated by mutual consent if land is lost or transferred because of encroachment for public purposes such as highway development, military installation, or municipal expansion. Termination for these reasons require that the participant refund or make adjustment of all cost-share payments for BMP's carried out on the transferred land if approved by the administering agency and the SCS state conservationist. If the land unit remaining after encroachment is not a feasible or practical operation, the administering agency may authorize termination of the contract by mutual consent without refund of cost-share payments when approved by the SCS state conservationist.

§502.103 Contract termination notice.

A contract termination notice issued to the land owner or operator.

(a) Mutual consent. Termination notices issued as a result of transfers and by mutual consent should follow the format and content illustrated in Exhibits §505.41 or §505.42. The participant's signature is required if termination is by mutual consent.

(b) For cause. If a contract is terminated for violation, the administering agency with the approval of the SCS state conservationist are to terminate the contract by a personal letter addressed to the participant. The letter is to state the nature of the violation, that the contract is terminated, the amount of refund due, and how the refund is to be made.

PART 503 FINANCIAL MANAGEMENT AND COST SHARE PAYMENTS

SUBPART A - FINANCIAL MANAGEMENT

503.0(b)

§503.0 General.

(a) Policy. It is the policy of the Soil Conservation Service (SCS) to insure that grant awards are made only to administering agencies that have the financial management capability necessary to adequately administer the Federal funds.

(b) Regulations.

"§634.40 Financial management.

(a)(1) Finance and accounting will be in conformance with Office of Management & Budget Circular A-102, (Rev.); U.S. Department of Health, Education & Welfare Brochure OASC-10, Federal Management Circular FMC 74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Government"; Department of the Treasury, Department Circular No. 1975 (4th Rev.), "Withdrawal of Cash from the Treasury for Advances under Federal Grant and other Programs"; Office of Management & Budget Circular No. A-34, "Instructions on Budget Execution"; U.S. Treasury Requirements Manual for Guidance of Departments and Agencies; and General Accounting Office Policy & Procedures Manual for Guidance of Federal Agencies.

(2) Administering agency RCWP grants will be funded under Letter-of-Credit serviced by the U.S. Treasury Regional Disbursing Office (RDO), subject to the terms and conditions of the grant agreement or by SCS approved advance/reimbursement financing.

(3) The State or local administering agency shall maintain a financial management system which provides accurate and complete disclosure of the financial status of the RCWP grant in accordance with prescribed reporting requirements.

(4) The State or local administering agency shall upon request make its financial management system records available to SCS, USDA Office of Inspector General, and the General Accounting Office.

(5) Participation in comprehensive USDA/EPA joint water quality monitoring, evaluation, and analysis will be funded according to the plan approved in §634.50(a)(3).

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503.0(b)

(b)(1) The carrying out of RCWP will require both financial and performance reporting to the Soil Conservation Service by participating USDA and State or local agencies.

(2) USDA participating agencies shall furnish SCS with reports prescribed by the U.S. Treasury Department; Office of Management & Budget; Administrative Regulations of the U.S. Department of Agriculture; and other reports required by law, regulation, or agreement.

(3) State or local administering agencies shall furnish financial status reports to SCS on a quarterly basis as required by the grant agreement. The administering agency is also to provide an audit report on request. The audit report is to be prepared in sufficient detail to allow SCS to determine that funds have been used in compliance with applicable laws, regulations, and the grant agreements."

§503.1 Financial records.

(a) Objectives. The objectives of the administering agency's accounting system are to:

(1) Provide financial data to help the administering agency plan, control, measure, and evaluate the progress and results of the RCWP project;

(2) Provide management control of funds and other assets to insure that the expenditure of funds and use of other property conforms with applicable laws and regulations;

(3) Insure by means of cost and property control management that optimal use is made of all resources;

(4) Meet any financial reporting requirements; and

(5) Classify and present projected and historical costs, as required, for budgeting purposes.

(b) USDA administration. When USDA retains administration of an RCWP project, ASCS financial records are to be maintained in compliance with ASCS budget and accounting control systems.

§503.2 Grant costs.

(a) General. The majority of costs incurred by the administering agency for RCWP are from individual contracts with participants for cost share payments. However, the administering agency may also incur administrative costs for operation of the grant program.

(b) Administrative costs. The total administrative costs that the administering agency may recover is limited to 5 percent of the anticipated cost share payments negotiated in individual contracts. The administrative costs fall into two categories:

(1) Direct costs are those that can be specifically identified with RCWP.

(2) Indirect costs are those incurred for a common or joint purpose benefiting more than one program.

(c) Cost allocation plan. (1) Federal Management Circular 74-4 provides guidelines for preparing a cost allocation plan.

(2) The cost allocation plan is a system by which indirect costs incurred by a State or local administering agency are identified in a logical manner for reimbursement under grant funding.

(3) For a State or local administering agency to be reimbursed for indirect costs, a cost allocation plan must be developed and approved by the cognizant Federal agency before any indirect costs are incurred. The cognizant agency is, in most instances, in the Federal agency supplying the greatest amount of grant funds to the grantee.

(i) The Department of Health, Education, and Welfare (HEW), in cooperation with other Federal agencies is responsible for the review, approval, and audit of statewide cost allocation plans.

(ii) The responsibility of reviewing, approving, and auditing State agency indirect cost proposals for RCWP is assigned to HEW.

(iii) The cognizant Federal agency is to help the State or local administering agency prepare an indirect cost proposal. This proposal is to be retained at the local level for review and auditing purposes.

(4) The cost allocation plan is to be reviewed annually by the administering agency and the cognizant Federal agency to comply with the provisions of FMC 74-4.

(5) Administering agencies that do not have approved indirect costs proposals may do one of the following:

(i) Develop a plan with assistance from SCS or the cognizant Federal agency.

(ii) Work with SCS to obtain a predetermined indirect cost rate.

503.2(c)(5)(iii)

(iii) Determine that the time and effort involved in obtaining an acceptable indirect cost rate is too costly and, therefore, not claim indirect costs for reimbursement.

§503.3 Financing by the advance/reimbursement method.

(a) General. (1) The State or local administering agency is to receive Federal funds on a "Treasury check issued" basis if:

(i) The grantee's annual funding needs for RCWP are less than \$120,000, and/or

(ii) The amount of the grant exceeds \$120,000, but the grantee's relationship with SCS will be less than 1 year.

(2) The grantee may request funds in advance of payments or, if funds are readily available, the grantee may request funds on a reimbursement basis after payments have been made.

(3) The grantee is to submit requests for advances or reimbursements of Federal funds at least monthly. A check covering the amount requested will be mailed directly to the grantee or its designated fiscal agent.

(b) SF-270, Request for Advance or Reimbursement. (1) The SF-270 is used to request Federal funds from SCS to administer RCWP.

(2) The Request for Advance or Reimbursement is to be completed by the grantee, certified by a responsible official, and forwarded to the SCS state conservationist for payment.

(3) For guidelines for the preparation and distribution of SF-270, Request for Advance or Reimbursement (Exhibit §505.60).

§503.4 Financing by the letter of credit method.

(a) General. (1) If the State or local administering agency's annual funding needs for RCWP exceed \$120,000 and there is a continuing relationship with SCS for at least a year, the grantee will operate under the letter of credit method.

(2) A letter of credit is an instrument prepared and certified by an authorized official of SCS. It permits grantees engaged in federally supported activities to draw on the U.S. Treasury to finance their current grant operations.

(b) SF-1194, Authorized Signature Card. (1) The SF-1194 is used to provide the signature of any individual authorized by the grantee to sign Requests for Payment on Letter of Credit. The grantee should limit the authority to draw on a letter of credit to a practical number of officials. Four signature spaces are provided on the SF-1194.

(2) The signature card must be dated and signed by an authorized SCS certifying officer.

(3) SF-1194 is to be prepared and distributed as prescribed in Exhibit §505.61.

(4) New signature cards are to be submitted immediately to SCS when any of the designated officials are no longer authorized to sign requests for payment or when additional officials are authorized to sign requests.

(5) Change in the title or position of a person previously authorized does not require a superseding signature card if the person's authority to sign requests remains unchanged.

(c) SF-1193A, Letter of Credit. (1) Standard Form 1193A is used by SCS to establish an account at the appropriate Treasury Disbursing Office (see Exhibit §505.62). This enables the grantee to draw against the account on presentation of a Request for Payment, SF-183. See §503.4(d).

(2) The letter of credit is to be prepared and executed by an authorized certifying officer of SCS.

(3) For an example of an SF-1193A prepared by SCS, see Exhibit §505.63.

(4) Grantees cooperating in more than one SCS program are to be funded with a consolidated letter of credit if the requirements of §503.4(a)(1) are met. The total amount of this letter of credit includes the funding for all SCS programs operated by the grantee. The grantee is responsible for maintaining for each program records that will identify fund authorizations, amounts disbursed, expenditures, obligations, and refunds made to SCS.

(d) SF-183, Request for Payment. (1) The SF-183 is used by grantees to make drawdowns against letters of credit.

(2) The Request for Payment on a Letter of Credit is to be prepared and distributed by the grantee as explained in Exhibit §505.64.

(3) Ordinarily, the request for payment should not be prepared for amounts less than \$5,000.

(4) Only one SF-183 should be submitted on any particular day for each SCS letter of credit. Because the letter of credit method enables the grantee to withdraw cash from the Treasury in advance of disbursement, there should be no time lag between the receipt of RCWP funds from the Treasury and disbursement of the funds by the grantee. Therefore, the grantee should only have a small balance of cash on hand at any one time.

503.4(e)

(e) Emergency drawdowns. (1) It can generally be considered an emergency if a requested payment on a letter of credit is not received by the grantee 2 days after the expected receipt date. The 2-day guideline should be used only with consideration given to the local history of receipt of Federal funds through the mail.

(2) When an emergency arises, immediately notify the SCS state conservationist who issued the letter of credit. SCS will need the following information:

- (i) Letter of credit number,
- (ii) Document number,
- (iii) Amount requested,
- (iv) Exact information from block entitled "Make Treasury Check Payable to:" on SF-183,
- (v) Date on SF-183 certification, and
- (vi) Date SF-183 was mailed to the Treasury.

(3) The SCS state conservationist is to contact Treasury when the information is obtained. Treasury will take necessary action.

(f) Rejection by Treasury of SF-183. (1) Treasury will examine the SF-183 for errors, deficiencies, or serious omissions that necessitate rejection of the request. Reasons for rejection of an SF-183 are:

- (i) An unauthorized or invalid signature (erasures, painting over with correction fluid, or tape are unacceptable).
- (ii) The "Amount Requested" block in Section I is left blank, erased, or painted over with correction fluid.
- (iii) The amount requested in Section I is greater than the available balance.
- (iv) The name of the payee to whom the check is to be issued is not identical to the name of the payee shown in the "Treasury Checks to be Made Payable to" block of the related SF-1193A, Letter of Credit.
- (v) There are discrepancies elsewhere on the SF-183 and Treasury cannot obtain correct information from SCS or its own file.
- (vi) Excessive funds in the hands of the grantee as determined by the Treasury or SCS to withhold payments.
- (vii) A written request from an SCS certifying officer to withhold payment.

503.5(a)(2)

(2) If, after examination, there is a reason for rejecting an SF-183, Treasury will contact the SCS state conservationist who issued the letter of credit to request information and to determine whether payment should be made. If adequate information is not readily received, Treasury will contact the SCS National Office for assistance. If insufficient information from the SCS National Office is insufficient, Treasury will reject the SF-183.

(g) Stop payments. (1) SCS will use a stop payment to exercise control of Federal funds when a grantee has excessive funds on hand. If the grantee continues to withdraw excessive funds SCS is to terminate the letter of credit and require the grantee to finance its activities from its own funds with subsequent reimbursement.

(2) Stop payments are made only by SCS or Treasury. SCS is to notify the grantee if this occurs. The grantee should adjust its records to show it will not receive the funds requested. SCS will confer with the grantee on what follow-up steps are necessary.

(h) Refund of excessive Federal funds. (1) If SCS funds are erroneously drawn in excess of immediate disbursement needs, these funds should be returned to the SCS state conservationist and redrawn when needed. The only exceptions to the requirement for prompt refunding are if the funds:

(i) Will be disbursed by the grantee within 7 calendar days, or

(ii) Are less than \$10,000 and will be disbursed within 30 calendar days.

(2) These exceptions to the requirement for prompt refunding should not be construed as approval by SCS for a grantee to maintain excessive funds.

§503.5 Financial reporting.

OMB Circular No. A-102 and Treasury Circular 1075 (4th Rev.) establish financial reporting requirements for grantees receiving Federal funds. The following reports are required:

(a) SF-272, Federal Cash Transactions Report. (1) SF-272 is prepared quarterly by all State and local administering agencies receiving Federal funds from SCS on an advance or reimbursement basis. Those grantees operating under the Letter of Credit - Regional Disbursing Office (see §503.4) are not required to prepare the Federal Cash Transactions Report.

(2) Federal Cash Transactions Reports are to be submitted to the SCS state conservationist within 15 days after the end of each quarter. The reporting quarters are December 31, March 31, June 30, and September 30.

503.5(a)(3)

(3) If a grantee handles more than one SCS grant agreement, SF-272a, Federal Cash Transactions Report Continuation, must be prepared and attached to SF-272.

(4) SCS uses this report to monitor advances to the grantee and obtain disbursement information.

(5) The preparation and distribution of the Federal Cash Transactions Report is explained in Exhibit §505.65.

(b) SF-269, Financial Status Report. (1) SF-269 is prepared quarterly by all administering agencies, including ASCS, to report all funds received, adjustments from prior months, total of all disbursements, the amount of program income, and other activities for which cash is withdrawn and paid out of SCS funds for the period.

(2) Financial Status Reports are to be submitted to the SCS state conservationist within 30 days after the end of each quarter. The reporting quarters are December 31, March 31, June 30, and September 30. These reports must be accurate and signed by an authorized official.

(3) The preparation and distribution of the Financial Status Report is explained in Exhibit §505.66.

(c) Daily status of Federal funds report. (1) At the request of Treasury, SCS requires a grantee to complete a daily status of Federal funds report. The report will be for a specific calendar month as determined by Treasury.

(2) The format for preparing the report is shown in Exhibit §505.67.

(3) The report must be signed by an authorized official and the original and one copy submitted to the SCS state conservationist for review 15 days after the end of the reporting period.

§503.6 Audits and reviews.

A State or local administering agency is to have its financial records audited at least every 2 years. Further guidelines for audits and reviews are in OMB Circular A-102.

§503.10 Regulations applicable to cost-share payments.

"§634.27 Cost-share payment.

(e) Application for payment. Cost-share payments can be made by the administering agency after a participant has carried out a BMP or an identifiable unit of a BMP. Application for payment must be submitted to the administering agency, be certified by the SCS or its designee, and be supported by such cost receipts as are required by the administering agency. It is the participant's responsibility to apply for payments.

(f) Authorizations for payments to suppliers.

(1) The contract may authorize that part or all of the Federal cost share for a BMP or an identifiable unit be made directly to suppliers of materials or services. The materials or services must be delivered or performed before payment is made.

(2) Federal cost shares will not be in excess of the cost share attributable to the material or service used or not in excess of the cost share for all identifiable units as may be requested by the participant.

(g) Material inspection and analysis. When authorizations for payments to suppliers are specified, the administering agency, its representatives, or the Government reserve the right to inspect, sample, and analyze materials or services prior to their use.

(h) Assignments, set-offs, and claims.

(1) A State or local administering agency may allow the assignment of payments to the extent provided by State law. When ASCS is designated as the administering agency, assignments by any participant who may be entitled to cost-share payment under the program are prohibited unless they are made in accordance with the provisions of Section 203, Title 31, U.S.C., as amended, and Section 15, Title 41, U.S.C., as amended.

(2) If any participant to whom compensation is payable under RCWP is indebted to the United States and such indebtedness is listed on the county register of indebtedness maintained by the County ASC committee, the compensation due the participant must be used (set-off)

503.10

to reduce that indebtedness. Indebtedness to USDA is to be given first consideration. Deductions for setoffs involving a nonresident alien shall be made as provided by 26 U.S.C. 871. Setoffs made pursuant to this section are not to deprive the participant of any right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(3) Any cost-share payment due any participant shall be allowed without deduction of claims for advances except as provided for above and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the participant or any other creditor.

(j) Suspension of payments. No cost-share payments will be made pending a decision on whether or not a contract violation has occurred.

(k) Ineligible payments. The filing of requests for payment for BMPs not carried out, or for BMPs carried out in such a manner that they do not meet contract specifications, constitutes a violation of the contract."

§503.11 Application for payment.

(a) SCS-BF-141, Application for Payment. (1) Participants in the RCWP are to prepare this form with assistance from the administering agency or SCS when making application with the administering agency for cost-share payments.

(2) Participants are to file Applications for Payment with the administering agency by September 30 of the year following the calendar year in which the BMP or identifiable units were completed. For example, if a BMP is completed on July 7, 1979, the participant must file an Application for Payment by September 30, 1980. Applications filed after this date require approval of the administering agency.

(3) If there is more than one participant, applications must specify the portion of each participant's contribution to the accomplishment of an identifiable unit.

(4) For instructions on preparing and distributing Form SCS-BF-141 see Exhibit §505.68.

(b) Rejection of an Application for Payment. Cost-share payments are not to be made under the following conditions:

(1) For unapplied materials or for services that partially complete an identifiable unit.

503.12(a)(2)

(2) For a BMP or identifiable unit that is dependent on the operation of another BMP that failed to meet specifications and for which cost-share payment was denied. The participant must be informed by an explanation on Form SCS-CO-153, Agreement Covering Non-Compliance with Provisions of Contract.

(3) For any work performed by a participant before the contract was made with the administering agency.

(4) For any claim that would result in a duplicate payment of RCWP funds for the same BMP.

(c) Applications for Payment requiring one participant's signature.

(1) If two or more participants signed the contract it may be supplemented to provide for the Application for Payment , SCS-BF-141, to be signed by one participant. In this instance, the following clause must be added as a supplement to Part II of the contract, SCS-WR-2:

"Application for Payment, SCS-BF-141, will be signed only by _____."
(Name)

(2) Cost-share payments under a contract with this supplement are to be drawn in the names of all the participants who signed the contract.

§503.12 Requirements for cost-share payment.

(a) General. A single payment must be drawn in the name of all contract participants unless:

(1) The contract specifies a proportionate payment share be made to each participant.

(2) The contract specifies that payment is to be made to only one participant. In this instance, Part II of the contract, SCS-WR-2, must contain the following clause:

"It is agreed that _____ is the
(Name)
participant who will carry out all best management practices and
identifiable units for which cost share payments will be made.
It is further agreed that all payments shall be made to
_____. Application for Payment, SCS-BF-141,
(Name)
shall be signed only by _____."
(Name)

503.12(a)(3)

(3) The participant assigns RCWP cost share payment due, or to become due, to a bank, trust company, or other financial institution, including a Federal lending agency, subject to approval by the contracting officer.

(i) Assignments may be made only for payments aggregating \$1,000 or more, except that assignments may be made to FmHA for payments aggregating \$500 or more.

(ii) Approval of an assignment is to be made in accordance with applicable State laws.

(iii) The administering agency is to have a record of the payee's name, address, and social security or tax identification number, the name of the assignee; and the effective date of the assignment.

(iv) The procedure for making an assignment is the responsibility of the administering agency with assistance by SCS as required.

(b) Division of cost share payments between participants. (1) The Federal cost share incurred for the use of materials or services is to be distributed to the participant(s) authorized to purchase the materials or services.

(2) The remainder of the cost share payment is to be credited to the participant(s) who carried out the remainder of the BMP. If more than one participant contributed to the cause, the cost share payment is divided in proportion to the extent each contributed to the BMP as set forth in the approved application for cost share payments.

(c) Offsets for indebtedness and claims. (1) Cost share payments to a participant under RCWP are not subject to claim except to satisfy indebtedness of the participant to the United States. In such cases, the cost-share payment is subject to offsets (assignment).

(2) The administering agency is to establish a priority of offsets, but indebtedness to USDA or any agency of USDA is to have first priority.

(3) The administering agency, with SCS assistance as required, is to establish procedures for making deductions for setoffs. See Part 504, Subpart A, Reporting, for suggested procedure to report offsets.

(d) Filing of false claims. Applications for cost share payments for BMP's or identifiable units not carried out or that do not meet the required specifications constitute false claims. Participants filing false or fraudulent claims are subject to a fine of not more than \$10,000 or imprisonment of not more than 5 years, or both, when RCWP is

being administered by USDA. Penalties for filing false claims with a State or local administering agency shall be established by the administering agency within the limitations prescribed by State law.

(e) Destroyed practices. See §502.73(e)(10) for procedures governing cost sharing when BMP's are destroyed.

(f) Administering agency certifications. (1) If a State or local administering agency is administering the RCWP, the contracting officer is to review all applications for payment and:

(i) Determine the status of indebtedness of the participant as shown in the ASC County Claim Control Record.

(ii) Determine that the application for cost share payments does not duplicate any payment made under any other cost sharing program administered by the administering agency or USDA.

(iii) Indicate administrative approval for payment by initialing and dating the SCS-BF-141.

(2) If USDA retains administration of the RCWP and ASCS is the designated administering agency, the ASC County Committee is to review all applications for payment prior to certification for payment. ASCS is to take steps listed in §503.12(f)(1) in approving payments in addition to any other internal procedures determined necessary. The procedure for issuing of payments is to be provided by ASCS.

§503.13 Authorization for payments to suppliers.

(a) General. (1) RCWP regulations provide procedures for participants to procure materials and services required to carry out BMPs included in their contracts.

(2) The administering agency is to make payments to vendors who furnish the materials and services.

(b) Limitations on use of authorizations. A participant may not be permitted to procure materials and services by an authorization if:

(1) The contract does not specifically provide for its use.

(2) The contract payment has been assigned in accordance with §503.12(a)(3) without consent of the assignee.

(3) The participant is indebted to the United States as indicated by the ASC County Claim Control Record. Exceptions to this limitation are those cases where the agency to which the debt is owed waives its offset rights and permits this method of cost sharing.

503.13(c)

(c) Form SCS-BF-140, Authorization for Materials or Services.

(1) This form is used by the administering agency to authorize a participant to procure materials and services for which payment is made directly to the vendor.

(2) Exhibit §505.69 provides instructions for the preparation and distribution of Form SCS-BF-140.

(3) The amount to be paid to a vendor by the administering agency must be certified by the contracting officer and should be limited to the Federal cost share of the materials and services covered by the authorization. The contracting officer may authorize payments to vendors for materials and services up to the amount of the Federal cost share that will be due the participant for carrying out the entire practice.

(d) Responsibilities of participants. (1) The participant must furnish the contracting officer a price quotation for each material or service required, the name and address of the vendor from whom the materials or services are to be procured, and the specifications of the materials or services.

(2) The participant is to determine that materials or services furnished by vendors meet required specifications.

(3) The participant is to oversee proper storage and care of materials on hand.

(4) Before payment can be made, the participant is to see that the vendor supplies the administering agency a copy of the billing document.

(e) Inspections of materials and service. (1) Both the administering agency and SCS may take samples of materials and make inspections as necessary.

(2) The administering agency may consider State inspection and analysis controls as exercised by State regulatory authorities as sufficient evidence of the quality standards of materials.

(f) Materials in services not meeting specifications. (1) Defective materials or services may be accepted and cost-share payment made if the materials or services will satisfactorily serve the purpose for which they were procured.

(2) If deficient materials or services are accepted, the administering agency must make a deduction from the cost share payment equal to the difference between the cost of the materials or services specified and the value of the materials or services furnished.

SUBPART A - REPORTING

504.3(c)

§504.0 General.

This subpart includes:

- (a) Guidelines for a cost-share record to be maintained by the administering agency.
- (b) Guidelines for a cost share report. The administering agency is to submit this report to SCS quarterly.
- (c) Progress report requirements for non-SCS personnel.
- (d) Progress reporting requirements for SCS personnel.

§504.1 Cost-share record.

The administering agency is to keep a record of BMP cost-share payments including refunds or offsets made. Exhibit §505.70 is an example of a cost-share record that includes the essential items to be recorded.

§504.2 Quarterly cost-share report.

The administering agency is to report RCWP cost-share data to SCS within 15 days after the close of each quarter (October-December, January-March, April-June, and July-September). The report is to include transactions that occurred within the quarter for which it is submitted; it is not to include cumulative data for prior quarters. The report is to include the information shown in Exhibit §505.71, RCWP cost-share record.

§504.3 Progress reporting by non-SCS personnel.

(a) Force account agreements. Non-SCS personnel working under technical assistance and planning agreements (force account agreements) are to report progress data through the SCS progress reporting system and will use financial project 97.

(b) Other. Employees of States, local agencies, or other Federal agencies working in RCWP projects under SCS supervisors or cooperative agreements, but not under RCWP technical assistance and planning agreements, also report RCWP progress data through the SCS progress reporting system using financial project 90.

(c) Reporting instructions. Reporting instructions are in §616.60 of the SCS National Reporting Codes Handbook. §504.4 lists reportable progress items.

504.4

§504.4 Progress reporting by SCS personnel.

(a) Reporting instructions. Progress is reported for RCWP in the same manner as for other SCS programs. Instructions are in the Management General Manual (Part 410) and the National Time and Progress Codes Handbook. RCWP progress data is reported to financial project CN-18.

(b) Reportable progress items. The following items are to be reported in RCWP projects:

<u>Code</u>	<u>Item</u>	<u>Reporting Units</u>
102	Individuals and groups assisted	Number
104	Technical services	Number
106	Individuals and groups applying practices	Number
108	Conservation plan prepared	Acres 1/
109	Conservation plan canceled	Acres 1/
110	Conservation plan revised	Acres 1/
150	Cost share applications received	Number & acres
151	Cost share applications canceled	Number & acres
152	Cost share contracts signed	Number & acres
156	Cost share contracts terminated	Number & acres
160	Cost share contracts completed	Number & acres

1/ Record only if the water quality plan meets the standards for a conservation plan.

(c) Conservation practices. The SCS state conservationist is to determine which practices (codes 310-666) are to be reported in the SCS Progress Reporting System.

(d) Acres treated to meet water quality objectives. (1) Two new program codes have been added to the SCS progress reporting system to record progress in RCWP. They are:

<u>Code</u>	<u>Item</u>	<u>Reporting Units</u>
740	Land treated to meet water quality objectives	Acres
741	Critical areas treated to meet water quality objectives	Acres

(2) These items are reported when all planned BMP's (cost-shared and non-cost-shared) have been applied for a field or for the water quality plan.

(e) Acres benefited, protected, and treated. Acres benefited, protected, and treated, codes 750-776, are reported when BMP's applied as part of the water quality plan meet conservation objectives as well as water quality objectives.

§504.10 Regulations applicable to monitoring and evaluation.

"§634.50 Program and project monitoring and evaluation.

(a) Comprehensive USDA/EPA joint water quality monitoring, evaluation, and analysis.

(1) Representative RCWP project areas will be selected to evaluate the improvement in water quality in the project area and to make projections on a nationwide basis. Water-quality monitoring, evaluation, and analysis will be conducted to evaluate the overall cost and effectiveness of projects and BMPs to provide information on the impact of the program on improved water quality and for general RCWP program management.

(2) Monitoring, evaluation, and analysis is a joint USDA/EPA responsibility. Subject to appropriation of funds, the Administrator, SCS, and EPA are jointly to select the project areas to be monitored and evaluated based on a list of project areas recommended by the NRCWCC.

(3) The Administrator, SCS, and Administrator, EPA, are jointly to determine the criteria to be used for comprehensive water-quality monitoring, evaluation, and analysis in the selected project areas. A monitoring and evaluation plan is to be developed and agreed to by SCS and EPA prior to initiating a project selected for monitoring and evaluation. The State water-quality agency and other Federal, State, and local agencies will be involved in the development of the plan for water-quality evaluation. The involvement of concerned agencies in implementing the plan will be determined at the time the plan is prepared.

(4) The project areas selected for detailed analysis are to be representative of agricultural and silvicultural nonpoint source pollution problems, categories of agriculture and silvicultural nonpoint source pollutants, agricultural enterprises, and BMPs used in the RCWP.

(5) Preference in the selection of project areas for comprehensive evaluation is to be given to those project areas for which long-term baseline information exists on land use, hydrologic data, and water quality.

PART 504 REPORTING, MONITORING, AND EVALUATION

504.10

(6) Monitoring and evaluation of selected project areas is to begin sufficiently in advance of the installation of BMPs to document, in a statistically satisfactory manner, existing land-use practices and baseline water-quality problems.

(7) The water quality monitoring and evaluation plan will provide sufficient basic information to adequately describe the land use, hydrologic water quality relationship. As a minimum, the plan will contain the following components:

(1) Chemical and physical water quality monitoring,

(ii) Biological monitoring,

(iii) Appropriate hydrologic data,

(iv) Soils properties and characteristics, topographic information,

(v) Land use and farm inventory.

(b) Program and project evaluation.

(1) There will be a continuing evaluation of the Rural Clean Water Program to measure its effectiveness and for each project for which cost-sharing funds are provided.

(2) Program and project evaluations will be conducted under the direction of the Assistant Secretary for Conservation, Research and Education, USDA, the Director of Economics, Policy Analysis, and Budget, USDA; and the Assistant Administrator for Water and Waste Management, EPA; or their representatives working through NRCWCC.

(3) Evaluative reports for the program and each project area will be submitted annually to the Secretary of Agriculture and the Administrator, EPA.

(c) Funding.

(1) Research oriented activities will be from sources other than RCWP.

(2) Funding for program and project monitoring and evaluation will be provided through RCWP and other authorizations."

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§504.11 Project monitoring and evaluation (M&E).

Project M&E is conducted at two levels of intensity: General and comprehensive.

§504.12 Definitions.

Comprehensive M&E. M&E of representative RCWP conducted in detail sufficient to assess the overall impact and effectiveness of the project and/or specific RCWP project components.

Evaluation. The management process that systematically analyzes the extent to which RCWP achieves its objective of improving water quality.

General M&E. M&E of all RCWP projects conducted in sufficient detail to determine BMP application progress and to document water quality trends through the life of the project.

Monitoring. The systematic collection and interpretation of pertinent data required for RCWP evaluation.

§504.13 Application requirements for monitoring and evaluation.

The following information is to be provided in the project application relative to M&E:

- A description of the process used to select the project area;
- The availability of baseline data;
- An estimate of local, State, and Federal financial and technical support for such activities;
- Location of existing and proposed monitoring stations;
- Pertinent reasons why the project is or is not recommended for comprehensive monitoring.

§504.14 General M&E.

(a) Requirements. As a minimum, all projects are to provide data on BMP installation progress; a record of payments, refunds, and offsets; and water quality monitoring to address both short- and long-term trends in water quality.

(b) Reporting. (1) Initial report. The administering agency is to submit a water quality M&E report with each annual cost-share report for those projects not selected for comprehensive M&E. The initial report is to include:

504.14(b)(1)(i)

- (i) A description of the project and project area,
- (ii) The monitoring strategy,
- (iii) Data collection schedule,
- (iv) Parameters to be monitored (and baseline levels),
- (v) Collection and testing methods to be used,
- (vi) Data storage system to be used, and
- (vii) Data collected to date.

(2) Subsequent reports. Subsequent reports are to report any significant changes in land use or other occurrences that affect the M&E and update the initial data. The reports are to include the extent of BMP's applied and their effects on water quality.

§504.15 Comprehensive M&E.

(a) Selection. The NRCWCC, as it reviews project applications, is to assess and identify potential projects for comprehensive M&E. Their recommendations for comprehensive monitoring and evaluation are to be provided to the SCS Administrator within 20 days after the RCWP projects have been selected and the EPA Administrator has concurred in the selected projects. The Administrators of SCS and EPA will jointly select the project areas for comprehensive M&E after consultation with appropriate State and local RCWCC's. This selection is to be made within 15 days after the NRCWCC recommendation. The SCS Administrator is to notify the governor and SRCWCC of those projects selected for comprehensive M&E. About 10 percent of project areas funded are to receive comprehensive M&E each year, although the number of projects selected will vary.

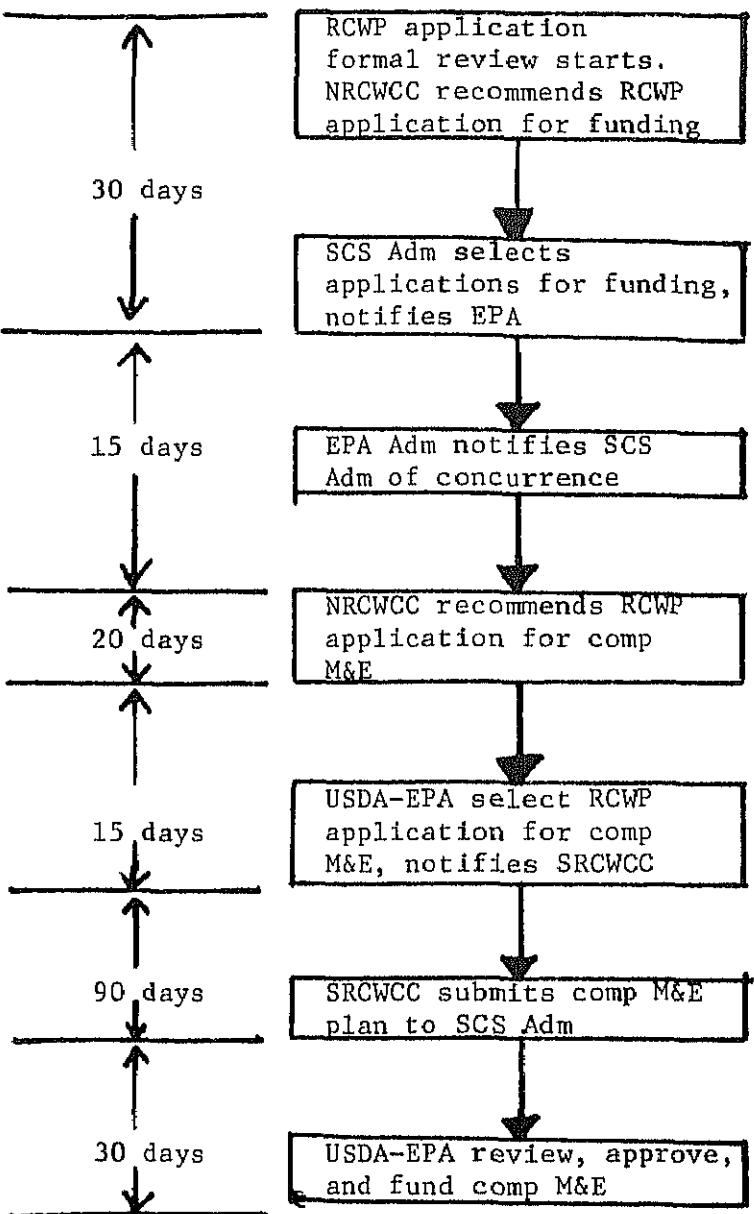
(b) M&E plan development and approval. The SRCWCC is to submit, within 60 days, a comprehensive M&E plan for USDA-EPA review and approval. Comprehensive M&E plan will vary in the degree of detail required and is to be developed jointly with the State water quality agency to insure consistency with state monitoring strategies. USDA and EPA will review and approve the comprehensive M&E within 30 days. Figure 4 is a flow chart showing the sequence of M&E plan development and approval.

(c) Technical assistance. USDA and EPA, sharing the responsibility for monitoring and evaluation, are to establish a technical assistance group to assist the SRCWCC in developing the first comprehensive, M&E plans. This group is to prepare a strategy for selecting future M&E projects and a handbook for M&E plan design and development.

(d) M&E plan components. In general, the comprehensive M&E plan is will address the following basic components:

SUBPART B - MONITORING AND EVALUATION

Figure 4. Sequence of comprehensive M&E plan development and approval.



LEGEND:

Adm	- Administrator
Comp	- Comprehensive
EPA	- Environmental Protection Agency
M&E	- Monitoring and Evaluation
NRCWCC	- National Rural Clean Water Coordinating Committee
RCWP	- Rural Clean Water Program
SCS	- Soil Conservation Service
SRCWCC	- State Rural Clean Water Coordinating Committee

504.15(d)(1)

(1) Objective. The objective is to define the purpose and scope of the M&E effort and establish responsibilities for various phases, including budget requirements and funding responsibilities.

(2) Changes in water quality. Define the basic hydrological and meteorological factors within the proposed RCWP project area, and the parameters to be used in measuring the change in water quality.

(3) Effectiveness of installed BMP's. Wherever possible, identify and quantify changes in land use, land use patterns, and reduction of nonpoint source pollutants which may result from the installation of BMP's. Before and after measurements are especially important in determining the effectiveness of the BMP's. Best management practice M&E is to be conducted where single BMP's can be isolated and cause and effect relationships between on-land nonpoint pollution source controls and in-stream or lake water quality can be studied. Economic data is to be collected and integrated as part of the cost-effectiveness determination. New BMP's to improve water quality will receive preferential treatment so that information on their "benefits" can be made available at the earliest date. M&E plans should include an examination of short-term versus long-term benefits on water quality.

(4) Socioeconomic impacts. Identify the effects of RCWP on land owners and operators, farmers, foresters, etc. This is considered onsite analysis. Consideration should also be given to offsite benefits that may affect the "community" in which the project is implemented. This section should consider the visual quality of the water as part of the analysis for cost effectiveness.

(5) Effectiveness of institutional arrangements to implement RCWP. Institutional cooperation is the most effective means of making RCWP a success. Therefore, institutional or organizational effectiveness according to specific institutional arrangements is to be evaluated.

(6) Effectiveness of educational programs. RCWP is a voluntary program in which educational activities play a strong supporting role. Innovative approaches to educating the agencies and individuals on the problems, costs, benefits, and technologies of the program are to be considered in evaluating the overall program. The procedures for determining the effectiveness of the educational program are to be identified.

(7) Quality assurance plan. The data collected through M&E is used to verify the technical adequacy of the BMP's applied and to identify the relationship between source control and water quality improvement. These results will be used to help make national projections on the magnitude of rural nonpoint source pollution problems

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and the resources required to solve them. Therefore, it is imperative that the data collected for these purposes be of good quality. To insure that the data is usable, a quality assurance plan is required. This plan is to be consistent with that established by the appropriate EPA Region and the State water quality agency. If standard collection and analysis methods are not available for nonpoint source pollutants, the method used is to be developed by a water quality monitoring specialist.

(8) Data storage. The data collected as part of all M&E efforts must be accessible to EPA and USDA user groups. Monitoring station data should be stored on either USDA or EPA data storage systems and the statistical validity of the measurement should be given.

(e) Reporting. Reports for those projects selected for comprehensive M&E are to be made according to the M&E plan. The reporting frequency is to be governed by the implementation of BMP's and the M&E schedule but as a minimum is to include semiannual progress reports.

§504.16 Consistency with other monitoring strategies.

The EPA representative on the SRCWCC is to coordinate with the State water quality agency to insure that M&E is consistent with regional planning and monitoring strategies.

§504.17 Monitoring and evaluation procedures.

Monitoring and evaluation procedures are to be developed in accordance with the following references, or other accepted references:

-- American Public Health Association. 1975. Standard Methods for the Examination of Water and Wastewater. 14th Edition. Washington, D.C.

-- U.S. Environmental Protection Agency. 1973. Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents. EPA-670/4-73-001. Cincinnati, Ohio.

-- U.S. Environmental Protection Agency. 1976. Quality Criteria for Water. EPA-440/9-76-023. Washington, D.C.

-- U.S. Geological Survey. 1977. National Handbook of Recommended Methods for Water Data Acquisition. Washington, D.C.

-- U.S. Environmental Protection Agency. 1977. Guidelines for Assessing the Benefits of Best Management Practices to Stream Ecosystems. Corvallis Environmental Research Laboratory. Corvallis, Oregon.

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-- U.S. Department of Agriculture, Science and Education
Administration, Agricultural Research. 1979. Field Manual for Research
in Agricultural Hydrology. Washington, D.C.

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(14-500/507-(NRCWPM), July 1979)

SUBPART A - PROJECT APPLICATION

505.0

\$505.0 SF-424 (AD-621) Preapplication for Federal Assistance.

U.S. DEPARTMENT OF AGRICULTURE

OMB Approval No 80-RD190

PREAPPLICATION FOR FEDERAL ASSISTANCE

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION	3. NUMBER	4. STATE APPLICATION IDENTIFIER	5. NUMBER
b. TYPE OF ACTION <input checked="" type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION <small>(Mark appropriate box)</small> <input type="checkbox"/> NOTIFICATION OF INTENT (OPL) <input type="checkbox"/> REPORT OF FEDERAL ACTION		b. DATE Year month day 19 80/2/5 Leave Blank	b. DATE Year month day ASSIGNED 19 80/2/14	1-3000-001	
4. LEGAL APPLICANT/RECIPIENT					
a. Applicant Name Anystate Soil Conservation Agency b. Organization Unit : Greenfield Water Quality Project c. Street/P.O. Box : 1400 Main Street d. City : State Capital e. County : Anycounty f. State : Anystate g. ZIP Code h. Contact Person (Name) : Leonard R. Evans, Executive Director i. Telephone No : 202-447-4102					
5. FEDERAL EMPLOYER IDENTIFICATION NO.					
b. PROGRAM (From Federal Catalog)		b. NUMBER 110-19110 b. TITLE Rural Clean Water Program			
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT					
Greenfield Water Quality Project A RCWP project developed to improve water quality in Greenfield Creek currently polluted by livestock feeding and crop production farm operations. The project consists of 160 farms on about 80,000 acres of the Greenfield Creek Watershed. About 70% of the project is cropland containing erosive soils. Slopes are gently rolling to moderately steep. The project is located in parts of A & B counties.					
8. TYPE OF APPLICANT/RECIPIENT					
A-State B-Intestate C-Senate D-House E-City F-School District G-Special Purpose District		H-Community Action Agency I-Higher Educational Institution J-Indian Tribe K-Other (Specify) _____			
9. TYPE OF ASSISTANCE					
A-Basic Grant B-Supplemental Grant C-Loan		D-Insurance E-Other		<small>Enter appropriate letter(s)</small> <input checked="" type="checkbox"/> A	
10. AREA OF PROJECT IMPACT (Name of cities, counties, States, etc.)					
Greenfield Water Quality Project		A & B counties		11. ESTIMATED NUMBER OF PERSONS BENEFITING 28,000	
12. TYPE OF APPLICATION					
A-Initial B-Revision C-Continuation		C-Revision D-Continuation		<small>Enter appropriate letter(s)</small> <input checked="" type="checkbox"/> A	
13. PROPOSED FUNDING					
a. FEDERAL \$ 2,530,000.00 b. APPLICANT c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$ 2,530,000.00		b. PROJECT c. Any St. Cons. Ag. d. 3rd Cong Dist		14. CONGRESSIONAL DISTRICTS OF 16. PROJECT START DATE Year month day 19 80/1/1 17. PROJECT DURATION Month 180 18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY Year month day 19 80/4/1	
15. TYPE OF CHANGE (For Use or If)					
a-Increase Dollars b-Decrease Dollars c-Increase Duration d-Decrease Duration e-Cancellation		f-Change (Specify) _____ <small>Enter appropriate letter(s)</small> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
19. EXISTING FEDERAL IDENTIFICATION NUMBER					
N/A					
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)					
USDA, Soil Conservation Service, State Capital, Anystate 22193					
21. REMARKS ADDED					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
SECTION II—CERTIFICATION					
THE APPLICANT CERTIFIES THAT		a. To the best of my knowledge and belief, the data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved b. If required by OMB Circular A-95 this application will be submitted, pursuant to instructions therein, to appropriate clearinghouse and all responses are attached annexes			
		<small>Response attached</small>			
22. CERTIFYING REPRESENTATIVE		b. TYPED NAME AND TITLE Leonard R. Evans Executive Director		b. SIGNATURE /s/ Leonard R. Evans	
				c. DATE SIGNED Year month day 19 80/2/5	
24. AGENCY NAME					
25. APPLICATION RECEIVED					
19					
26. ORG/INSTITUTIONAL UNIT					
27. ADMINISTRATIVE OFFICE					
28. ADDRESS					
29. FEDERAL GRANT IDENTIFICATION					
31. ACTION TAKEN		32. FUNDING		33. ACTION DATE Year month day 19	
a. AWARDED b. REJECTED c. RETURNED FOR AMENDMENT d. DEFERRED e. WITHDRAWN		a. FEDERAL \$.00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$.00		34. STARTING DATE Year month day 19	
				35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)	
				36. EXPIRING DATE Year month day 19	
37. REMARKS ADDED					
<input type="checkbox"/> Yes <input type="checkbox"/> No					
38. FEDERAL AGENCY A-95 ACTION		a. In taking above action, any comments received from clearinghouse were considered. If agency response is due under provisions of Part I, OMB Circular A-95, it has been or is being made. b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)			

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SECTION IV-REMARKS (Please reference the proper item number from Sections I, II or III, if applicable)

Section I, Block 7 - For the preapplication, include a brief summary (one page) of readily available information about each of the components of an RCWP application (see §501.13, RCWP Application Components, of the RCWP Manual).

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LEGEND
PREAPPLICATION FOR FEDERAL ASSISTANCE - SF-424

In addition to the general instructions related to completing Standard Form 424, Preapplication for Federal Assistance, the following are specific instructions relating the form to the Rural Clean Water Program.

Item 1. Type of Action

No specific instructions related to RCWP. See general instructions.

Item 2. Applicants Application Number

If the administering agency will be administering more than one project it may be desirable to assign control numbers for each project application.

Example: A State soil conservation agency may be the administering agency for numerous separate projects throughout the State.

Item 3. State Application Identifier

All RCWP applications will be submitted through OMB Circular A-95 procedures.

Item 4. Legal Applicant/Recipient

- (a) Applicants name - name of RCWP administering agency
- (b) Organizational unit - name of project
- (c) (d) (e) (f) (g) - self-explanatory
- (h) Contact person - name and telephone number of the head of the administering agency.

Item 5. Federal Employer Identification Number

Assigned to the RCWP administering agency by the IRS.

Item 6. Program

- (a) Number - use 10.910
- (b) Title - Rural Clean Water Program

Item 7. Title and Description of Applicants Project

Enter in this block a short description of the major elements describing the project. Provide details in the narrative part of the application.

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Item 8. Type of Applicant/Recipient

No specific instructions related to RCWP. See general instructions.

Item 9. Type of Assistance

No specific instructions related to RCWP. See general instructions.

Item 10. Area of Project Impact

Enter name and location of project.

Item 11. Estimated Number of Persons Benefiting

Enter estimated number of people benefited from improved water quality as a result of the project.

Item 12. Type of Application

No specific instructions related to RCWP. See general instructions.

Item 13. Proposed Funding

- (a) Federal - enter the total of cost share, administrative, and technical assistance grant requested.
- (b) through (e) - enter other funding by source if applicable.
- (f) Enter total funding.

Item 14. Congressional Districts of:

No specific instructions related to RCWP. See general instructions.

Item 15. Type of Change

No specific instructions related to RCWP. See general instructions.

Item 16. Project Start Date

No specific instructions related to RCWP. See general instructions.

Item 17. Project Duration

The maximum life of an RCWP project cannot exceed 15 years (180 months). RCWP projects could be completed in less time than this, however.

Item 18. Estimated Date To Be Submitted To Federal Agency

RCWP project funding applications will require clearinghouse review. Allow time for this at arriving at the estimated date.

Item 19. Existing Federal Identification Number

No specific instructions related to RCWP. See general instructions.

Item 20. Federal Agency To Receive Request

All applications will be presented to the Soil Conservation Service State Conservationist.

Item 21. Remarks Added

A brief program narrative will be added on the reverse side for all preapplications.

Item 22. The Applicant Certifies

No specific instructions related to RCWP. See general instructions.

Item 23. Certifying Representative

No specific instructions related to RCWP. See general instructions.

PART 505 EXHIBITS

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U.S. DEPARTMENT OF AGRICULTURE PREAPPLICATION FOR FEDERAL ASSISTANCE

GENERAL INSTRUCTIONS

This is a multi purpose standard form. First, it will be used by applicants as a required facesheet for pre applications and applications submitted in accordance with OMB Circular A-102. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants in aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item.

Item	Item
1. Mark appropriate box Pre-application and application guidance is in OMB Circular A-102 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box	D Insurance Self explanatory. E Other. Explain on remarks page
2a. Applicant's own control number, if desired	10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits
2b. Date Section I is prepared	11. Estimated number of persons directly benefiting from project
3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse	12. Use appropriate code letter Definitions are: A New A submittal for the first time for a new project.
3b. Date applicant notified of clearinghouse identifier	B Renewal An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.
4a-4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request	C Revision A modification to project nature or scope which may result in funding change (increase or decrease).
5. Employer identification number of applicant as signed by Internal Revenue Service.	D Continuation An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years
6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code	E Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged
6b. Program title from Federal Catalog Abbreviate if necessary	13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakdown in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.
7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.	14a. Self explanatory.
8. Mostly self explanatory "City" includes town, township or other municipality	14b. The district(s) where most of actual work will be accomplished. If city wide or State wide, covering several districts, write "city-wide" or "State wide."
9. Check the type(s) of assistance requested. The definitions of the terms are: A. Basic Grant An original request for Federal funds. This would not include any contribution provided under a supplemental grant.	15. Complete only for revisions (item 12c), or augmentations (item 12e).
B. Supplemental Grant A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share)	
C. Loan. Self explanatory.	

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Item	Item
16. Approximate date project expected to begin (usually associated with estimated date of availability of funding)	19. Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
17. Estimated number of months to complete project after Federal funds are available	20. Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP
18. Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b	21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

Item	Item
22b. List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.	23b. Self explanatory
23a. Name and title of authorized representative of legal applicant.	23c. Self explanatory. Note: Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	Item
24. Executive department or independent agency having program administration responsibility.	35. Name and telephone no. of agency person who can provide more information regarding this assistance
25. Self explanatory.	36. Date after which funds will no longer be available.
26. Primary organizational unit below department level having direct program management responsibility.	37. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.
27. Office directly monitoring the program.	38. For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—if same as person shown in item 35, write "same". If not applicable, write "NA".
28. Use to identify non award actions where Federal grant identifier in item 30 is not applicable or will not suffice.	
29. Complete address of administering office shown in Item 26.	
30. Use to identify award actions where different from Federal application identifier in item 28.	
31. Self explanatory. Use remarks section to amplify where appropriate.	
32. Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.	
33. Date action was taken on this request.	
34. Date funds will become available.	

Federal Agency Procedures—special considerations

- Treasury Circular 1082 compliance. Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.
- OMB Circular A-95 compliance. Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.
- Special note. In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

PART 505 EXHIBITS

505.0

U.S. DEPARTMENT OF AGRICULTURE
PREAPPLICATION FOR FEDERAL ASSISTANCE

OMB NO. 10-1045-01

PART II

		(Check one)
		Yes No
1.	Does this assistance request require State, local, regional or other priority rating? Governor & SRCWCC	<input checked="" type="checkbox"/>
2.	Does this assistance require State or local advisory, educational or health clearance? Could be yes or no. Depends on State law	<input type="checkbox"/>
3.	Does this assistance request require Clearinghouse review?	<input checked="" type="checkbox"/>
4.	Does this assistance request require State, local, regional or other planning approval? Governor & EPA Section 208 plan	<input checked="" type="checkbox"/>
5.	Is the proposed project covered by an approved comprehensive plan? Section 208 plan	<input checked="" type="checkbox"/>
6.	Will the assistance requested serve a Federal installation?	<input checked="" type="checkbox"/>
7.	Will the assistance requested be on Federal land or installation?	<input checked="" type="checkbox"/>
8.	Will the assistance requested have an effect on the environment? Need for separate EIS determined by STC	<input checked="" type="checkbox"/>
9.	Will the assistance requested cause the displacement of individuals, families, businesses, or farms?	<input checked="" type="checkbox"/>
10.	Is there other related assistance for this project previous, pending or anticipated?	<input checked="" type="checkbox"/>
11.	Is the project in a designated flood hazard area?	<input checked="" type="checkbox"/>

PART III - PROJECT BUDGET

FEDERAL CATALOG NUMBER (a)	TYPE OF ASSISTANCE LOAN GRANT ETC (b)	FIRST BUDGET PERIOD (c)	BALANCE OF PROJECT (d)	TOTAL (e)
1. 10,910	Grant	N/A	N/A	\$2,530,000.00
2.				
3.				
4.				
5.				
6. Total Federal Contribution	\$	\$		\$ 2,530,000.00
7. State Contribution				0
8. Applicant Contribution				0
9. Other Contributions				0
10. Totals	\$	\$		\$ 2,530,000.00

PART IV - PROGRAM NARRATIVE STATEMENT

(Attach per instruction)

Narrative may be included in remarks section of Form SF-424. See
\$505.01-2.

FORM AD 621 (REVISED 6-78) PAGE 5

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(14-500/507-(NRCWPM), July 1979)

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions:

Item 1 — Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 — Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 — Attach the clearinghouse comments for the application in accordance with the instructions contained in Office of Management and Budget Circular No A-95. If comments were submitted previously with a preapplication, do not submit them again but any additional comments received from the clearinghouse should be submitted with this application.

Item 4 — Furnish the name of the approving agency and the approval date.

Item 5 — Show whether the approved comprehensive plan is State, local or regional, or if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 — Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 — Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 — Describe briefly the possible beneficial and harmful impact on the environment because of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 — State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 — Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status

and the amount of each project where there is related previous, pending or anticipated assistance. Use additional sheets, if needed.

Item 11 — Contact the Federal agency concerning the provisions of the Flood Disaster Protection Act of 1973 (P.L. 93-234).

PART III

Complete Lines 1-5 — Columns (a) through (e). Enter the catalog numbers shown in the Catalog of Federal Domestic Assistance in Column (a) and the type of assistance in Column (b). For each line entry in Columns (a) and (b), enter in Columns (c), (d), and (e), the estimated amounts of Federal funds needed to support the project. Columns (c) and (d) may be left blank, if not applicable.

Line 6 — Show the totals for Lines 1-5 for Columns (c), (d), and (e).

Line 7 — Enter the estimated amounts of State assistance, if any, including the value of in-kind contributions in Columns (c), (d), and (e). Applicants which are States or State agencies should leave Line 7 blank.

Line 8 — Enter the estimated amounts of funds and value of in-kind contributions the applicant will provide to the program or project in Columns (c), (d), and (e).

Line 9 — Enter the amount of assistance including the value of in-kind contributions, expected from all other contributors in Columns (c), (d), and (e).

Line 10 — Enter the totals of Columns (c), (d), and (e).

PART IV

The program narrative statement should be brief and describe the need, objectives, method of accomplishment, the geographical location of the project, and the benefits expected to be obtained from the assistance. The statement should be typed on a separate sheet of paper and submitted with the preapplication. Also attach any data that may be needed by the grantor agency to establish the applicant's eligibility for receiving assistance under the Federal program(s).

505.0

PART II - PROJECT APPROVAL INFORMATION
SPECIFIC INSTRUCTIONS RELATED TO RCWP
(for details see General Instructions)

Item 1. Name of Governing Body

Governor with recommendation from State Rural Clean Water Coordinating Committee (SRCWCC).

Item 2. State Local Educational or Health Clearance

A yes or no answer depends on State laws. This question would be answered in the State A-95 Clearinghouse Report.

Item 3. All RCWP project applications will be processed through DNR Circular A-95 procedures.

Item 4. State Local Regional Planning Approval

Yes. Environmental Protection Agency. Section 208 plan.

Item 5. Approved Comprehensive Plan

Yes. Check State or regional, according to what type of Section 208 plan the project is in.

Items 6 and 7. Federal Land or Installation

All Federal land is excluded from RCWP projects.

Item 8. Impact on Environment

Yes. The SCS State Conservationist is to determine if a separate EIS is needed or if the program EIS is adequate.

Item 9. Displacement of Individuals

No.

Item 10. Other Related Assistance

No specific instructions related to RCWP. See general instructions.

Item 11. Designated Flood Hazard Area

No specific instructions related to RCWP. See general instructions.

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(14-500/507-(NRCWPM), July 1979)

SUBPART A - PROJECT APPLICATION

505.1

**§505.1 SF-424 (AD-623) Application for Federal assistance
(nonconstruction programs)**

U.S. DEPARTMENT OF AGRICULTURE APPLICATION FOR FEDERAL ASSISTANCE (Nonconstruction Programs)										OMB Approval No. 80-R0190		
FEDERAL ASSISTANCE				2. APPLICANT'S APPLICATION		3. STATE APPLICATION IDENTIFIER		4. NUMBER 1-3000-001				
1. TYPE OF ACTION		<input type="checkbox"/> PREAPPLICATION <input checked="" type="checkbox"/> APPLICATION (Mark appropriate box) <input type="checkbox"/> NOTIFICATION OF INTENT (Opt. box) <input type="checkbox"/> REPORT OF FEDERAL ACTION		4. NUMBER 1980/2/5		5. DATE ASSIGNED 1980/2/14						
				6. LEASE BLANK								
7. LEGAL APPLICANT/RECIPIENT										8. FEDERAL EMPLOYER IDENTIFICATION NO		
a. Applicant Name : Anystate Soil Conservation Agency b. Organization Unit Greenfield Water Quality Project c. Street/P.O. Box 1400 Main Street d. City State Capital • County : Anycounty e. State Anystate • ZIP Code: f. Contact Person (Name & telephone No.) Leonard R. Evans, Executive Director & telephone No.) 202-447-4102										6. PROGRAM (From Federal Catalog) 7. TITLE Rural Clean Water Program		
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT Greenfield Water Quality Project A RCWP project developed to improve water quality in Greenfield Creek currently polluted by livestock feeding and crop production farm operations. The project consists of 160 farms on about 80,000 acres of the Greenfield Creek Watershed. About 70% of the project is cropland containing erosive soils. Slopes are gently rolling to moderately steep. The project is located in parts of A and B counties.										8. TYPE OF APPLICANT/RECIPIENT A-State B-Federal C-Federal D-County E-City F-School District G-Special Purpose District H-Community Action Agency I-Higher Educational Institution J-Private Entity K-Other (Specify): Enter appropriate letter [A]		
10. AREA OF PROJECT IN PACT (name of cities, counties, states, etc.) Greenfield Water Quality Project A & B counties										9. TYPE OF ASSISTANCE A-Basic Grant B-Supplemental Grant C-Loan D-Insurance E-Other F-Other (Specify): Enter appropriate letter [A]		
11. ESTIMATED NUMBER OF PERSONS BENEFITING 28,000										12. TYPE OF APPLICATION A-New B-Renewal C-Revision D-Continuation E-Augmentation F-Other (Specify): Enter appropriate letter [A]		
13. PROPOSED FUNDING 14. CONGRESSIONAL DISTRICTS OF: a. FEDERAL \$ 2530,000 00 b. APPLICANT 00 Any St., Cons. Ar. 3rd Cong. Dis c. STATE 00 d. LOCAL 00 16. PROJECT START DATE Year month day 1980-1-1 e. OTHER 00 18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY 1980/4/1										15. TYPE OF CHANGE (For Use or If) N/A a-Increase Dollars b-Decrease Dollars c-Increase Duration d-Decrease Duration e-Cancellation f-Other (Specify): Enter appropriate letter [A]		
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code) USDA Soil Conservation Service, State Capital, Anystate 22191										19. EXISTING FEDERAL IDENTIFICATION NUMBER N/A		
21. REMARKS ADDED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No												
22. THE APPLICANT CERTIFIES THAT: a. To the best of my knowledge and belief, the information contained in this application is true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the proposal is approved. b. It is required by GMB Circular A-55 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached.										23. SIGNATURE Anystate Clearinghouse (1) (2) (3)		
24. AGENCY NAME U.S. Department of Agriculture										25. DATE SPONDED Year month day 1980/2/5		
26. ORGANIZATIONAL UNIT Soil Conservation Service										27. ADMINISTRATIVE OFFICE State Office		
28. ADDRESS State Office address										29. FEDERAL GRANT IDENTIFICATION NUMBER Enter number		
30. ACTION TAKEN a. AWARDED b. REJECTED c. RETURNED FOR AMENDMENT d. DEFERRED e. WITHDRAWN f. TOTAL \$ 2,530,000 00										31. FUNDING a. FEDERAL \$ 2,530,000 00 b. APPLICANT 00 c. STATE .00 d. LOCAL .00 e. OTHER .00		
32. ACTION DATE 1980/5/27										33. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone numbers) Name, telephone number State Conservationist		
34. STARTING DATE 1980/5/1										35. ENDING DATE 1985/4/30		
36. REMARKS ADDED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No										37. REMARKS ADDED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
38. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part I, GMB Circular A-95, it has been or is being made.										39. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.) Same		
40. FEDERAL AGENCY A-95 ACTION												

PART 505 EXHIBITS

505.1

SECTION IV-REMARKS (Please reference the proper item number from Sections I, II or III, if applicable)

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(14-500/507-(NRCWPM), July 1979)

LEGEND
APPLICATION FOR FEDERAL ASSISTANCE - SF-424

In addition to the general instructions related to completing Standard Form 424, Application for Federal Assistance, the following are specific instructions relating the form to the Rural Clean Water Program.

Item 1. Type of Action

No specific instructions related to RCWP. See general instructions.

Item 2. Applicants Application Number

If the administering agency will be administering more than one project it may be desirable to assign control numbers for each project application.

Example: A State soil conservation agency may be the administering agency for numerous separate projects throughout the State.

Item 3. State Application Identifier

All RCWP applications will be submitted through OMB Circular A-95 procedures.

Item 4. Legal Applicant/Recipient

- (a) Applicants name - name of RCWP administering agency
- (b) Organizational unit - name of project
- (c) (d) (e) (f) (g) - self-explanatory
- (h) Contact person - name and telephone number of the head of the administering agency.

Item 5. Federal Employer Identification Number

Assigned to the RCWP administering agency by the IRS.

Item 6. Program

- (a) Number - use 10.910
- (b) Title - Rural Clean Water Program

Item 7. Title and Description of Applicants Project

Enter in this block a short description of the major elements describing the project. Provide details in the narrative part of the application.

505.1

Item 8. Type of Applicant/Recipient

No specific instructions related to RCWP. See general instructions.

Item 9. Type of Assistance

No specific instructions related to RCWP. See general instructions.

Item 10. Area of Project Impact

Enter name and location of project.

Item 11. Estimated Number of Persons Benefiting

Enter estimated number of cost share participants.

Item 12. Type of Application

No specific instructions related to RCWP. See general instructions.

Item 13. Proposed Funding

- (a) Federal - enter the total of cost share, administrative, and technical assistance grant requested.
- (b) through (e) - enter other funding by source if possible.
- (f) Enter total funding.

Item 14. Congressional Districts of:

No specific instructions related to RCWP. See general instructions.

Item 15. Type of Change

No specific instructions related to RCWP. See general instructions.

Item 16. Project Start Date

No specific instructions related to RCWP. See general instructions.

Item 17. Project Duration

The maximum life of an RCWP project cannot exceed 15 years (180 months). RCWP projects could be completed in less time than this, however.

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(14-500/507-(NRCWPM), July 1979)

Item 18. Estimated Date To Be Submitted To Federal Agency

RCWP project funding applications will require clearinghouse review. Allow time for this at arriving at the estimated date.

Item 19. Existing Federal Identification Number

No specific instructions related to RCWP. See general instructions.

Item 20. Federal Agency To Receive Request

All applications will be presented to the Soil Conservation Service State Conservationist.

Item 21. Remarks Added

A brief program narrative will be added on the reverse side for all preapplications.

Item 22. The Applicant Certifies

No specific instructions related to RCWP. See general instructions.

Item 23. Certifying Representative

No specific instructions related to RCWP. See general instructions.

PART 505 EXHIBITS

505.1

U.S. DEPARTMENT OF AGRICULTURE APPLICATION FOR FEDERAL ASSISTANCE (Nonconstruction Programs)

GENERAL INSTRUCTIONS

This is a multi purpose standard form. First, it will be used by applicants as a required facesheet for pre applications and applications submitted in accordance with OMB Circular A-102. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants in-kind awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

Item	Item
1. Mark appropriate box. Pre-application and application guidance is in OMB Circular A-102 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.	D. Insurance. Self explanatory. E. Other. Explain on remarks page.
2a. Applicant's own control number, if desired	10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.
2b. Date Section I is prepared.	11. Estimated number of persons directly benefiting from project.
3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.	12. Use appropriate code letter. Definitions are: A. New. A submittal for the first time for a new project. B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year. C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease). D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years. E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.
3b. Date applicant notified of clearinghouse identifier.	13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.
4a-4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.	14a. Self explanatory.
5. Employer identification number of applicant as assigned by Internal Revenue Service.	14b. The district(s) where most of actual work will be accomplished. If city-wide or State wide, covering several districts, write "city-wide" or "State wide."
6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding), write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.	15. Complete only for revisions (item 12c), or augmentations (item 12e).
6b. Program title from Federal Catalog. Abbreviate if necessary.	
7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.	
8. Mostly self-explanatory. "City" includes town, township or other municipality.	
9. Check the type(s) of assistance requested. The definitions of the terms are: A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant. B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share). C. Loan. Self explanatory.	

SUBPART A - PROJECT APPLICATION

505.1

Item	Item
16. Approximate date project expected to begin (usually associated with estimated date of availability of funding).	19. Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA"
17. Estimated number of months to complete project after Federal funds are available	20. Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
18. Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.	21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, Item 22b must be fully completed. An explanation follows for each item:

Item	Item
22b. List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.	23b. Self explanatory.
23a. Name and title of authorized representative of legal applicant.	23c. Self explanatory. Note: Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	Item
24. Executive department or independent agency having program administration responsibility.	35. Name and telephone no. of agency person who can provide more information regarding this assistance
25. Self explanatory.	36. Date after which funds will no longer be available.
26. Primary organizational unit below department level having direct program management responsibility.	37. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks
27. Office directly monitoring the program.	38. For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—if same as person shown in item 35, write "same". If not applicable, write "NA".
28. Use to identify non award actions where Federal grant identifier in item 30 is not applicable or will not suffice.	Federal Agency Procedures—special considerations
29. Complete address of administering office shown in item 26.	A. Treasury Circular 1082 compliance. Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 246, which will no longer be used.
30. Use to identify award actions where different from Federal application identifier in item 28.	B. OMB Circular A-95 compliance. Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.
31. Self explanatory. Use remarks section to amplify where appropriate.	C. Special note. In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.
32. Amount to be contributed during the first funding/budget period by each contributor. Value of in kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.	
33. Date action was taken on this request.	
34. Date funds will become available.	

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PART 505 EXHIBITS

505.1

U.S. DEPARTMENT OF AGRICULTURE
APPLICATION FOR FEDERAL ASSISTANCE
(Nonconstruction Programs)

OMB NO. 80-RC 186

PART II

PROJECT APPROVAL INFORMATION

<u>Item 1.</u> Does this assistance request require State, local, regional, or other priority rating?	<input checked="" type="checkbox"/> Yes _____ <input type="checkbox"/> No _____	Soil Conservation Svc. Admin., Name of Governing Body National Rural Clean Water Priority Rating <u>2</u> Coordinating Committee
<u>Item 2.</u> Does this assistance request require State, or local advisory, educational or health clearances?	Name of Agency or Board <u>Identified in State clearinghouse review</u>	
Could be yes or no.	<input type="checkbox"/> Yes _____ <input checked="" type="checkbox"/> No _____	(Attach Documentation)
<u>Item 3.</u> Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?	(Attach Comments) State Clearinghouse Comments attached.	
<u>Item 4.</u> Does this assistance request require State, local, regional or other planning approval?	<input checked="" type="checkbox"/> Yes _____ <input type="checkbox"/> No _____	Governor and Name of Approving Agency <u>Environmental Protection Ag.</u> Date <u>enter date of approved Sec. 208 plan</u>
<u>Item 5.</u> Is the proposed project covered by an approved comprehensive plan?	Check one <input checked="" type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/> Regional	<input type="checkbox"/> Name of State Water Quality Location of Plan Ag. & Soil Conservation Svc. State Office
<u>Item 6.</u> Will the assistance requested serve a Federal installation?	<input type="checkbox"/> Yes _____ <input checked="" type="checkbox"/> No _____	Name of Federal Installation <u>N/A</u> Federal Population benefiting from Project _____
<u>Item 7.</u> Will the assistance requested be on Federal land or installation?	<input type="checkbox"/> Yes _____ <input checked="" type="checkbox"/> No _____	Name of Federal Installation <u>N/A</u> Location of Federal Land _____ Percent of Project _____
<u>Item 8.</u> Will the assistance requested have an impact or effect on the environment?	<input checked="" type="checkbox"/> Yes _____ <input type="checkbox"/> No _____	See instructions for additional information to be provided. Provide data as requested in General Instructions.
<u>Item 9.</u> Will the assistance requested cause the displacement of individuals, families, businesses, or farms?	<input type="checkbox"/> Yes _____ <input checked="" type="checkbox"/> No _____	Number of Individuals <u>N/A</u> Families _____ Businesses _____ Farms _____
<u>Item 10.</u> Is there other related assistance on this project previous, pending, or anticipated?	<input type="checkbox"/> Yes _____ <input checked="" type="checkbox"/> No _____	See instructions for additional information to be provided. It is not anticipated that RCWP projects will have other related assistance.
<u>Item 11.</u> Is the project in a designated flood hazard area?	<input type="checkbox"/> Yes _____ <input checked="" type="checkbox"/> No _____	See instruction for additional information to be provided

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(14-500/507-(NRCWPM), July 1979)

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions.

Item 1 - Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 - Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 - Attach the clearinghouse comments for the application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95. If comments were submitted previously with a preapplication, do not submit them again but any additional comments received from the clearinghouse should be submitted with this application.

Item 4 - Furnish the name of the approving agency and the approval date.

Item 5 - Show whether the approved comprehensive plan is State, local or regional, or if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 - Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 - Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 - Describe briefly the possible beneficial and harmful impact on the environment of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 - State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 - Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and the amount of each project where there is related previous, pending or anticipated assistance. Use additional sheets, if needed.

Item 11 - Contact the Federal agency concerning the provisions of the Flood Disaster Protection Act of 1973 (P.L. 93-234).

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PART II - PROJECT APPROVAL INFORMATION
SPECIFIC INSTRUCTIONS RELATED TO RCWP
(for details see General Instructions)

Item 1. Name of Governing Body

SCS Administrator with recommendation from National Rural Clean Water Coordinating Committee (NRCWCC).

Item 2. State Local Educational or Health Clearance

A yes or no answer depends on State laws. This question would be answered in the State A-95 Clearinghouse Report.

Item 3. All RCWP project applications will be processed through DNR Circular A-95 procedures.

Item 4. State Local Regional Planning Approval

Yes. Environmental Protection Agency. Section 208 plan.

Item 5. Approved Comprehensive Plan

Yes. Check State or regional, according to what type of Section 208 plan the project is in.

Items 6 and 7. Federal Land or Installation

All Federal land is excluded from RCWP projects.

Item 8. Impact on Environment

Yes. The SCS State Conservationist is to determine if a separate EIS is needed or if the program EIS is adequate.

Item 9. Displacement of Individuals

No.

Item 10. Other Related Assistance

No specific instructions related to RCWP. See general instructions.

Item 11. Designated Flood Hazard Area

No specific instructions related to RCWP. See general instructions.

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OMB NO. 6050-0001

**U.S. DEPARTMENT OF AGRICULTURE
APPLICATION FOR FEDERAL ASSISTANCE (Nonconstruction Programs)
PART III - BUDGET INFORMATION**

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Control No. (b)	Estimated Unobligated Funds			New or Revised Budget		
		(c)	(d)	(e)	(f)	(g)	(h)
1. RCNP	10,910	\$ N/A	\$ N/A	\$ 2,530,000	\$ -	\$ 2,530,000	
2.							
3.							
4.							
5. TOTALS		\$	\$	\$	\$	\$	

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	(b) Cost-Share	Grant Program, Function or Activity			Total (g)
		(Administerative)	Tech. Asst. (k)		
a. Personnel	\$ -	\$ 90,441	\$ 205,600	\$ -	\$ 296,041
b. Fringe Benefits	-	\$ 11,178	\$ 25,400	-	\$ 36,578
c. Travel	-	-	\$ 33,000	-	\$ 33,000
d. Equipment	-	-	\$ 27,500	-	\$ 27,500
e. Supplies	-	-	\$ 22,000	-	\$ 22,000
f. Contractual	\$ 2,095,238	-	-	-	\$ 2,095,238
g. Construction	NA	NA	NA	-	NA
h. Other	-	-	\$ 16,500	-	\$ 16,500
i. Total Direct Charges	\$ 2,095,238	\$ 101,619	\$ 330,000	-	\$ 2,526,857
j. Indirect Charges	-	\$ 3,143	-	-	\$ 3,143
k. TOTALS	\$ 2,095,238	\$ 104,762	\$ 330,000	\$ -	\$ 2,530,000
l. Program Income	\$ NA	\$ NA	\$ NA	\$ -	\$ NA

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INSTRUCTIONS

PART III

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may not require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

*For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g).

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

*For continuing grant program applications, submit these forms before the end of each funding period as required by

the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non Federal funds. In Column (g) enter the new total budgeted amount (Federal and non Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets were prepared for Section A, provide similar column headings on each sheet. For each program, function or activity fill in the total requirements for funds (both Federal and non Federal) by object class categories

Lines 6a-h - Show the estimated amount for each direct cost budget (object class category for each column with program, function or activity heading)

Line 6i - Show the totals of Lines 6a to 6h in each column

Line 6j - Show the amount of indirect cost. Refer to Office of Management and Budget Circular No. A-87

Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (n) Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Column (1) (4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5. When additional sheets were prepared, the last two sentences apply only to the first page with summary totals.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

**PART III - BUDGET INFORMATION
SPECIFIC INSTRUCTIONS RELATED TO RCWP
LEGEND**

See Part III - GENERAL INSTRUCTIONS for details of completing the budget information form.

The budget illustrated is based on the example Grant Agreement, Exhibit 505.10.

Section A - Budget Summary

Item 1 (a) - The program name that will be in the Federal Domestic Assistance Catalog is, "Rural Clean Water Program (RCWP)."

Item 1 (b) - The catalog number will be 10-910.

Item 1 (c) - NA

Item 1 (d) - NA - (The amount of the grant request is for the total funds needed for the life of the project - (full funding) therefore; unobligated funds would be shown only if additional grant assistance was being requested after an initial grant.

Item 1 (e) - Enter the total amount of grant request.

Item 1 (f) - Enter non-Federal funds only if considered part of the RCWP budget.

Item 1 (g) - Total of Item 1 (e) and (f).

Section B - Budget Categories

Item 6 - Enter cost-share, administrative and technical assistance.
Note: Administrative cost is not to exceed 5 percent of the Federal share for BMP cost.

Item 6 (g) - NA in RCWP.

Item 6 (h)(3) - Enter cost of support items for technical assistance not already included such as rent and utilities.

Item 6 (j)(2) - Indirect cost is shown for charges that can not be directly attributed to RCWP cost. For example, if the administering agency (AA) is using the same office space and equipment to administer other programs in addition to RCWP, these cost may be prorated to all programs. The AA is to document, as a part of its accounting system, the method used to compute the indirect charges for RCWP.

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U.S. DEPARTMENT OF AGRICULTURE APPLICATION FOR FEDERAL ASSISTANCE (Nonconstruction Programs)						
(a) Grant Program						
SECTION C - NON-FEDERAL RESOURCES						
b. Not Applicable to RCWP						
9.	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS		
10.	\$ NA	\$ NA	\$ NA	\$ NA		
11.						
12. TOTALS	\$	\$	\$	\$		
SECTION D - FORECASTED CASH NEEDS						
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
13. Federal	\$ 82,000	\$ 8,200	\$ 16,400	\$ 24,600	\$ 32,800	
14. Non-Federal	\$ -	\$ -	\$ -	\$ -	\$ -	
15. TOTAL	\$ 82,000	\$ 8,200	\$ 16,400	\$ 24,600	\$ 32,800	
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT						
(e) Grant Program						
	FUTURE FUNDING PERIODS (YEARS)					
16. Rural Clean Water Program	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH		
17.	\$ 2,530,000	\$ NA	\$ NA	\$ NA		
18.						
19.						
20. TOTALS	\$ 2,530,000	\$	\$	\$	\$	
SECTION F - OTHER BUDGET INFORMATION						
(Attach additional Sheets if Necessary)						
21. Other Charges:	(d) Equipment. The project will require acquisition of motor vehicles to provide employee transportation for direct on-site technical assistance.					
22. Indirect Charges:	Provide in this space a description of the formula used to estimate administrative overhead indirect charges.					
23. Remarks:	RCWP projects will be full funded - that is, one grant will be made for the project to cover the total estimated cost to complete the project objectives. Projects could take up to 15 years to complete. Additional funding could be requested if original cost estimate fell short of completion. The original grant agreement would have to be modified to reflect additions to the project objective.					

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SUBPART A - PROJECT APPLICATION

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INSTRUCTIONS

PART III (continued)

Section C Source of Non-Federal Resources

Line B-11 - Enter amounts of non Federal resources that will be used on the grant. If in kind contributions are included, provide a brief explanation on a separate sheet (See Attachment F, Office of Management and Budget Circular No A-102)

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary

Column (b) - Enter the amount of cash and in kind contributions to be made by the applicant as shown in Section A (See also Attachment F Office of Management and Budget Circular No A-102)

Column (c) - Enter the State contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d)

Line 12 - Enter the total for each of Columns (b) (e). The amount in Column (e) should be equal to the amount on Line 5, Column II, Section A

Section D, Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year

Line 15 - Enter the totals of amounts on Lines 13 and 14

Section E, Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 - Enter in Column (a) the same grant program titles shown in Column Ia, Section A. A breakdown by function or activity is not necessary. For new applications and continuing grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This Section need not be completed for amendments, changes, or supplements to funds for the current year of existing grants

If more than four lines are needed to list the program titles submit additional schedules as necessary

Line 20 - Enter the total for each of the Columns (b) (e). When additional schedules are prepared for this Section annotate accordingly and show the overall totals on this line

Section F - Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, pre-determined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense

Line 23 - Provide any other explanations required herein or any other comments deemed necessary

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**U S DEPARTMENT OF AGRICULTURE
APPLICATION FOR FEDERAL ASSISTANCE
(Nonconstruction Programs)**

INSTRUCTIONS

**PART IV
PROGRAM NARRATIVE**

Prepare the program narrative statement in accordance with the following instructions for all new assistance programs Requests for continuation or refunding and changes on an approved project should respond to item 5b only Requests for supplemental assistance should respond to question 5c only

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution Demonstrate the need for assistance and state the principal and subordinate objectives of the project Supporting documentation or other testimonies from concerned interests other than the applicant may be used Any relevant data based on planning studies should be included or footnoted

2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived For example, when applying for a grant to establish a neighborhood health center provide a description of who will occupy the facility, how the facility will be used, and how the facility will benefit the general public

3. APPROACH

- a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each assistance program, function or activity, provided in the budget Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement
- b. Provide for each assistance program, function or activity, quantitative monthly or quarterly projections of the accomplishments to be achieved in such terms as the number of jobs created, the number of people served, and the number of patients treated When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates

c. Identify the kinds of data to be collected and maintained and discuss the criteria to be used to evaluate the results and successes of the project Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item 2 are being achieved

d. List organizations, cooperators, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution

4. GEOGRAPHIC LOCATION

Give a precise location of the project or area to be served by the proposed project Maps or other graphic aids may be attached

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION

a. For research or demonstration assistance requests present a biographical sketch of the program director with the following information, name, address, phone number, background, and other qualifying experience for the project Also, list the name, training and background for other key personnel engaged in the project

b. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request If there have been significant changes in the project objectives, location, approach, or time delays explain and justify For other requests for changes or amendments explain the reason for the change(s) If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify If the total budget has been exceeded, or if individual budget items have changed more than the prescribed limits contained in Attachment K to Office of Management and Budget Circular No. A-102, explain and justify the need for additional funding

c. For supplemental assistance requests, explain the reason for the request and justify the need for additional funding

PART V

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines and requirements including OMB Circulars Nos. A-87 FMC 74-4, A-95, A 102, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the Applicant assures and certifies with respect to the grant that

1. It possesses legal authority to apply for the grant, that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P L 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant aided activity.
4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P L 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular No. A 102.
10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.
12. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
13. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470l), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.B) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
14. It will comply with Section 504 of the Rehabilitation Act of 1973 as amended (29 USC 794) and all regulations, guidelines and interpretations issued pursuant thereto. Section 504 provides that no otherwise qualified handicapped individual shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or subject to discrimination under any program or activity receiving federal financial assistance.

PART 505 EXHIBITS

505.2

§505.2 RCWP project evaluation worksheet

Project Name		State	
Factor 1/	Maximum Score	Score	Remarks 2/
SEVERITY OF WQ PROBLEM	30	_____	
Uses of water affected			
Pollutant (kind, source, and effects)			
Extent of water areas			
DEMONSTRATION OF PUBLIC BENEFITS	25	_____	
Effects on human health			
Population impacted			
Impact on natural env.			
Other water use effects			
Complementary impact on land resources			
ECONOMIC AND TECHNICAL FEASIBILITY	25	_____	
Cost effectiveness			
Unit cost			
Extent of BMP's			
Adequacy of planned actions			
STATE AND LOCAL SUPPORT	15	_____	
Funds (cost sharing, technical assistance, administrative)			
Commitment to project (local and state)			
Public involvement			
Landuser commitment			
INTERNATIONAL WQ Commitments	5	_____	
(Boundary water and Great Lakes WQ Agmt with Canada, Mexican Water Treaty, etc.)			
TOTAL SCORE	/	_____	
FEDERAL FUNDING REQUESTED	\$	_____	
RECOMMENDED FEDERAL FUNDING LIMIT	\$	_____	

1/ See §501.13, RCWP Application Components, and §501.17, Regulations,
applicable to review of applications
2/ Use reverse side for additional remarks

§505.3 RCWP project application eligibility checklist

Project Name: _____

State: _____ State Priority: _____

Agricultural Portion of 208 Plan Approved: _____
(Date)

I. _____ Executive Summary

II. Description of Project Area

- _____ Project acres
- _____ Land owners and operators
- _____ Farming operations
- _____ Soils
- _____ Land use
- _____ Climate
- _____ Hydrological
- _____ Socioeconomic conditions
- _____ Location maps

III. Severity of Water Quality Problem

- _____ Uses of waters affected
- _____ Kinds, sources, and effects of pollutants
- _____ Extent of water bodies affected

IV. Objectives and Planned Actions

- _____ Degree of water quality improvement expected
- _____ BMP's---extent cost shared and non-cost shared
- _____ Plan strategy

V. Plan Schedule

- _____ Number of contracts to be signed each year
- _____ Critical areas and sources to be treated annually

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VI. Estimated Cost

- _____ Project costs and method
- _____ Federal and non-Federal costs
- _____ Expected Annual Costs
 - _____ Project administration
 - _____ Technical assistance
 - _____ BMP cost shares
- _____ BMP cost-share levels

VII. Benefits and Effects

- _____ Effects relative to water quality goals
- _____ Effects on human health
- _____ Number of people benefited
- _____ Environmental effects
- _____ Cost effectiveness of BMP's
- _____ Effects on land resources

VIII. Project Administration (Institutional Arrangements)

- _____ Qualifications of administrative agency
- _____ Administrative agency staff, location, and experience
- _____ Federal, State, local support, and commitments
- _____ Priorities among participants
- _____ Description of LRCWCC

IX. Attachments

- _____ MA cert. of 208 plan approval, BMP's, participation level A-102, A-95 requirements
- _____ Cost-share levels of other programs
- _____ Public participation report
- _____ EIS or adequacy statement
- _____ Project monitoring and evaluation plan
- _____ SRCWCC letter of concurrence
- _____ Governor's transmittal

X. Transmittal of Application

- _____ SCS state conservationist's transmittal
- _____ Information copy to SCS TSC director
- _____ Information copy to EPA regional administrator

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§505.10 Grant agreement and instructions.

STATE Anystate
 RURAL CLEAN WATER PROGRAM
Greenfield Water Quality Project
 (Project Name)
 AGREEMENT NO. 59-0079-9-0505

UNITED STATES DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE
GRANT AGREEMENT

This AGREEMENT, made this 27th day of May, 1979, by and between the Anystate Soil Conservation Agency, called the Administering Agency, and the Soil Conservation Service, United States Department of Agriculture, called the SCS.

WITNESSETH THAT:

WHEREAS, under the provisions of Section 35 of the Clean Water Act of 1977 (Public Law 95-217, 33 U.S.C. 1288), which amends Section 208 of the Federal Water Pollution Control Act (Public Law 92-500, 33 U.S.C. 1151), which authorized the Secretary of Agriculture to establish the Rural Clean Water Program (RCWP), and of the Soil Conservation Act of 1935 (16 U.S.C. 500a-f), the SCS is authorized to provide the Administering Agency financial and technical assistance to help carry out the provisions of the RCWP project

WHEREAS, the Administrator, SCS, with recommendations from the National Rural Clean Water Coordinating Committee and with the concurrence of the Administrator, EPA, have approved the application for the Greenfield Water Quality RCWP project.

WHEREAS, the Administrator, SCS, has approved the Anystate Soil Conservation Agency as the Administering Agency for the RCWP in the aforementioned project.

NOW THEREFORE, the Administering Agency and the SCS do hereby agree:

A. That the estimated grant funds subject to adjustment under D.5 approved for the project are:

1. Cost-share funds for best management practices	<u>\$2,095,238</u>
2. Administrative funds (overhead)	<u>\$104,762</u>
3. Technical assistance funds	<u>\$330,000</u>
Total Grant Funds	<u>\$2,530,000</u>

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Overhead costs incurred by the administering agency shall not exceed 5 percent of the Federal funds used for cost sharing best management practices (Clause A.1). The administering agency's financial management system shall provide a means of accounting that will control funds within this limitation. Technical assistance provided by the administering agency is not covered by this limitation.

B. The Administering Agency will:

1. Administer the RCWP project in compliance with:
 - a. The RCWP Regulations CFR 7-634 and the RCWP manual.
 - b. The approved RCWP project application.
 - c. Uniform Administrative Requirements for Grants-in-aid to Local Governments, Office of Management and Budgets (OMB) Circular No. A-102.
 - d. Treasury Department Circular No. 1075.
 - e. Federal Management Circular No. 74-4, Cost Principles Applicable to Grants and Contracts with State and Local Governments.
 - f. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).
2. Appoint a contracting officer and an alternate who shall have authority to act for the administering agency. Furnish the name of the contracting officer and alternate along with a list of his/her duties, responsibilities, and authorities to the SCS State Conservationist.
3. Establish detailed work schedules in accordance with the approved project application.
4. Receive and review applications for assistance from participants.
5. Certify availability of funds for RCWP contracts and modifications.
6. Enter into contracts with participants for the installation and maintenance of best management practices based on water quality plans developed by participants.
7. Make cost-share payments to participants covering the SCS share of the cost, as defined by each participant's contract, after certification by SCS. Funds will be drawn against the SCS-provided Letter-of-Credit.

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8. Issue modifications to participant RCWP contracts after SCS concurrence of the technical aspects of the change(s).
9. Develop average cost rates for each practice applicable in the project area.
10. Sample and inspect materials used in the installation of best management practices.
11. Establish a contract violations and appeals and collections process.
12. Provide for public involvement in the implementation of RCWP in the project area, and maintain a mailing list of interested individuals and organizations for informing the public about the activities contemplated and carried out in the project area.
13. Provide necessary facilities, personnel, and legal counsel to arrange for and carry out the RCWP project work. Draw funds against the SCS-provided Letter-of-Credit for these purposes.
14. Retain all records dealing with the contracts and all work performed under this agreement for 3 years from the date of the administering agency's submission of the final request for reimbursement or until final audit findings have been resolved, whichever is longer. Make such records available to the Comptroller General of the United States or his duly authorized representative and accredited representatives of the Department of Agriculture or cognizant audit agency for the purpose of making audit, examination, excerpts, and transcriptions.
15. Comply with the Property Management Standards (copy attached).
16. Comply with the Clean Air and Water Act, and if applicable, complete the Clean Air and Water Certification (copy attached).

C. The Soil Conservation Service will:

1. Provide the agreed-to cost share for administrative (overhead) costs up to the not-to-exceed percentage identified in A, all the approved technical assistance costs, and the agreed-to cost share of best management practices as specified in participant's contracts.
2. Provide technical assistance for RCWP implementation such as site investigations, design and layout, drawings and specifications, and other related assistance as required.
3. Provide the administering agency a Letter-of-Credit to finance RCWP costs.

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4. Assist the administering agency to develop practice lists, cost-share provisions, and average cost data.

D. It is mutually agreed that:

1. Expenses, purchases, and other obligations incurred or accrued prior to the effective date of this agreement shall not be reimbursed.

2. Contracting with participants will be completed within 5 years or less from the date of this agreement unless this period is extended by properly executed amendment. The project shall be completed in 10 years or less from the time the allowable contracting period ends.

3. Contracts for RCWP work will be executed only with participants who have approved water quality plans certified by the Soil Conservation Service and approved by the soil conservation district.

4. This agreement may be modified by amendment duly executed by authorized officials of the parties to the agreement.

5. The State Conservationist may make adjustments in the estimated cost to the SCS set forth in C.1 for performing the work. No adjustment shall change the basis for cost-sharing to be provided by the SCS as set forth in C.1, nor reduce funds, below the amount required to carry out the work to be performed with SCS financial assistance.

6. This agreement will remain in force and effect unless terminated by the mutual consent of both parties or as provided for in D.7 or D.8.

7. The SCS may terminate this agreement in whole or in part when it is determined that the administering agency has failed to comply with any of the conditions of this agreement. The Service shall promptly notify the administering agency in writing of the termination and reasons for the termination together with the effective date. Payments or recoveries made by the SCS under this termination shall be in accord with the legal rights and liabilities of the SCS and the administering agency.

8. This agreement may be temporarily suspended by the SCS if it determines that corrective action by the administering agency is needed to meet the provisions of this agreement. Further, the SCS may suspend this agreement when it is evident that a termination is pending.

9. The furnishing of any administrative and technical services by the SCS as set out in C.2 and C.3 is contingent upon the continuing availability of appropriations by the Congress from which payment may be made and shall not obligate the SCS upon failure of the Congress to so appropriate.

SUBPART B - AGREEMENTS

505.10

10. Any funds collected by the administering agency from participants due to violations under the contract will be credited to the funds available under this grant agreement.

Anystate Soil Conservation Agency
(Administering Agency)

By: Leonard R. Evans

Title: Executive Director

Date: May 7, 1979

This action authorized
at an official meeting
of the State Executive
Committee
on the 14th day of
April, 1979, at
Watertown,
State of Anystate

/s/ Mary Rhodes
(Signature)

Secretary
(Title)

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

By: /s/ John P. Wheeler

Title: State Conservationist

Date: May 27, 1979

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(14-500/507-(NRCWPM), July 1979)

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PREPARATION OF GRANT AGREEMENT

1. Page 1, agreement number: Each agreement shall be assigned a number from the regular contract series of the SCS office in which it is signed.
2. Page 1, third paragraph: Fill in the identified RCWP project application identifier or designation listed in the approved plan.
3. Section A.1, 2, and 3: Provide the estimated amounts of Federal funds to be encumbered for each element of this agreement.
4. Section A.3: Provide the not-to-exceed percentage as established by the administering agency based on consideration of their administrative capability committed resources, stated budget data in their Application for Federal Assistance (Part 501, Subpart A), and USDA policy regarding program administrative costs. The not-to-exceed limitation is applied against the total Federal funds available for cost sharing and does not apply to technical assistance costs which are a direct program cost to be paid by SCS.
5. Signature page: The parties listed in the first paragraph, page 1, shall execute the signature page. The authority for the person to execute the agreement on behalf of the administering agency must be documented opposite his signature.
6. Agreement attachments: All grant agreements shall include the provisions of Exhibit 505.13, Property Management Standards, and Exhibit 505.14, Clean Air and Water provisions.
7. When the method of payment approved is other than by Letter-of-Credit, substitute the following for clause B.7 of Exhibit 505.10:
 - (a) B.7.a Pay the expenses incurred to accomplish the works described in A.
 - (b) B.7.b Submit to the Service requests for reimbursement on Form SF-270, Request for Advance or Reimbursement, on a cash or accrual basis.
 - (c) B.7.c Request from the Service advances of funds on Form SF-270, Request for Advance or Reimbursement.
 - (d) B.7.d If advances made by the Service exceed \$10,000 per month, provide the Service, by the 15th working day following the end of each quarter after the date of this agreement, a Federal Cash Transactions Report (SF-272).
 - (e) B.7.e Prepare a final cumulative SF-269 at the completion or termination of this agreement.
 - (f) B.7.f At completion or termination of this agreement, promptly refund all monies advanced in excess of expenses incurred.
8. Also revise clause B.13 and clause C.3 of Exhibit 505.10 to be consistent with provisions selected in clause B.7a through f.

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§505.11 Agreement for services.

STATE Anystate
 RURAL CLEAN WATER PROGRAM
Greenfield Water Quality
Project
 (Project Name)
AGREEMENT NO. 59-0079-0595

UNITED STATES DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICEAGREEMENT FOR SERVICES

THIS AGREEMENT, made this 10th day of September 1979, by and between the Fairview Soil Conservation District, called the District, and the Soil Conservation Service, United States Department of Agriculture, called the SCS.

WITNESSETH THAT:

WHEREAS, under the provisions of Section 35 of the Clean Water Act of 1977 (Public Law 95-217, 33 U.S.C. 1288), which amends Section 208 of the Federal Water Pollution Control Act (Public Law 92-500, 33 U.S.C. 1151), which authorized the Secretary of Agriculture to establish the Rural Clean Water Program (RCWP), and of the Soil Conservation Act of 1935 (16 U.S.C., 590a-f), the District and the SCS agree to work together in providing the necessary technical assistance services for carrying out the provisions of the RCWP project.

NOW, THEREFORE, in consideration of the premises and of the several promises to be performed by the parties hereto as set forth, the District and the SCS do hereby agree as follows:

A. General

1. The following described technical assistance services are to be performed on an annual basis by the District in the project area identified as the Greenfield Water Quality Project. Services include the preparation of participant's water quality plans (plans) and the technical services required to carry out participant contracts during their effective term. The services are to be performed at an estimated cost to the SCS of \$ 125,000 .

2. Funds to meet annual needs shall be made available by the SCS based on the annual plan of operations prepared by the District and concurred in by the SCS. Technical assistance will meet the requirements of the National Manual for Resource Conservation Planning and SCS standards.

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B. The District will:

1. Provide 100 percent of the cost of any administrative (overhead) costs other than clerical costs necessary to carry out the work described in A. This includes such costs as building space, legal expenses, central stores, procurement services, depreciation allowances, and similar administrative expenses.
2. Carry out the technical assistance services described in A by force account in accordance with specifications furnished by the SCS, and specifications furnished by the District and concurred in by the State Conservationist. Administrative requirements of OMB Circular A-102 will be complied with.
3. Appoint a Contracting Officer and an authorized representative who shall have authority to act for the Contracting Officer, listing their duties, responsibilities, and authorities. Furnish such information in writing to the State Administrative Officer.
4. Carry out the technical assistance services in accordance with the annual plan of operations heretofore prepared by the District, concurred in by the State Administrative Officer, and hereby made a part of this agreement. Secure the State Administrative Officer's concurrence before changing the plan of operations.
5. Provide all necessary facilities and personnel to arrange for and carry out the technical assistance services described in A.
6. Secure the materials and equipment necessary to carry out the technical assistance services in accordance with requirements furnished by the SCS and requirements furnished by the District and concurred in by the State Administrative Officer. Protect all materials to be used in carrying out the technical assistance services and maintain a current record of disbursement and use of such materials.
7. Procure materials and rent equipment when necessary as follows:
 - a. Open market - Items not exceeding \$10,000 (unless limited to lesser amount by State law) for like, or similar items after a reasonable price inquiry, as concurred in by the State Administrative Officer. This procurement will be made as follows:
 - (1) Prepare and issue written request(s) for quotations. Oral requests for quotations may be made when such method is concurred in by the State Administrative Officer.

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(14-500/507-(NRCWPM), July 1979)

- (2) Receive and protect quotations. Determine the lowest qualified vendor and, with written concurrence of the State Administrative Officer, make such procurement.
- b. Formal advertisement - This procurement will be made as follows:
 - (1) Issue an invitation for bids which shall contain SCS requirements and District requirements when concurred in by the State Administrative Officer.
 - (2) Receive, protect, and open bids. Determine the lowest qualified bidder, and with written concurrence of the State Administrative Officer, make award.
8. Pay District employees and suppliers of equipment and materials as required to carry out the work. Submit billings to the SCS Government Representative on Form SF-270.
9. Maintain, as a minimum, the following data to support the District's request for reimbursement:
 - a. Invoices covering actual costs of services and materials.
 - b. Daily time records for each employee showing name, classification, wage rate, hours, and dates actually employed on the work.
 - c. Equipment operating records showing the rate, hours, and dates actually used on the work.
10. Employ competent and efficient personnel to carry out the technical assistance.
11. Maintain all equipment used on the work in good operating condition without cost to the SCS.
12. Hold and save the SCS harmless from any and all claims or causes of action whatsoever resulting from the obligations undertaken by it under this agreement or resulting from the work provided for in this agreement.
13. Retain all records dealing with direct supervision, labor, equipment, and materials used in the work for 3 years from the date of the District's submission of the final request for reimbursement or until final audit findings have been resolved, whichever is longer. Make such records available to the

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Comptroller General of the United States or his duly authorized representatives and accredited representatives of the Department of Agriculture or cognizant audit agency for the purpose of making audit, examination, excerpt, and transcription.

14. Comply with the attached Property Management Standards,
15. Comply with the Clean Air and Water Certification (copy attached).

C. The Soil Conservation Service will:

1. Provide 100 percent of the cost of the technical assistance services described in A including allocable clerical costs for RCWP support activities.
2. Provide authorized assistance as necessary including, but not limited to, consultations, interpretations, and inspection of work.
3. Provide the services of a Government Representative.
4. Make payment to the District covering the SCS's share of the cost upon receipt and approval of Form SF-270.
5. Conduct an annual review of the technical assistance needed for the RCWP project based on data provided by the District and SCS staffing needs. See that the annual plan of operations is prepared to reflect project needs prior to approval.
6. Audit the District's records prior to final payment under this agreement.'

D. It is mutually agreed that:

1. This agreement shall become null and void 90 calendar days after the date the SCS has executed this agreement in the event the work has not been commenced.
2. All drawings, charts, engineering notes, and other data accumulated under this agreement will be retained by the District and made available for use by the SCS upon request.
3. The State Conservationist may make adjustments in the estimated cost to the SCS set forth in C.1 for performing the technical assistance. No adjustment shall change the cost-sharing assistance to be provided by the SCS as set forth in C.1, nor reduce funds below the amount required to carry out the SCS's share of the work.
4. The SCS may terminate this agreement in whole or in part when it is determined by the SCS that the District has failed to comply with any of the conditions of this agreement. The SCS

shall promptly notify the District in writing of the determination and reasons for the termination, together with the effective date.

5. This agreement may be temporarily suspended by the SCS if it determines that corrective action, by the District is needed to meet the provisions of this agreement. Further, the SCS may suspend this agreement when it is evident that a termination is pending.
6. The SCS, in its sole discretion, may refuse to cost share should the District elect to proceed without obtaining concurrences as set out in Section B of this agreement.
7. No Member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.
8. The furnishing of funds and administrative and technical services by the SCS as set out in C.1 through C.5 is contingent upon the continuing availability of appropriations by the Congress from which payment may be made and shall not obligate the Service upon failure of the Congress to so appropriate.
9. This agreement may be terminated at any time by mutual agreement of the parties.

FAIRVIEW SOIL CONSERVATION
DISTRICT

By: /s/ Earl G. Campbell

Title: Chairman

Date: September 5, 1979

This action authorized
at an official meeting
of Board of Directors
on the 27th day
of August 1979 at
Anytown, Anystate

/s/ Mary Brown
(Signature)

Clerk

(Title)

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

By: John P. Wheeler

Title: State Conservationist

Date: September 10, 1979

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§505.12 Force account--annual plan of operations

FORCE ACCOUNT
Annual Plan of Operations
59-0079-9-0595
(Agreement No.)

A. Services to be performed

Furnish appropriate technical assistance to participants who have applied for assistance under the RCWP. Services to be provided by the District shall meet the criteria in the National Handbook for Resource Conservation Planning, attached specifications developed for technical services in the project area, the appropriate SCS Technical Guide, and other SCS-provided criteria.

B. Materials (Estimated quantities)

1,000 survey stakes
12 soil sample shipping boxes
100 sheets of drafting paper
100 sheets of cross-section paper
100 sheets of plan and profile paper
6 field survey notebooks

C. Equipment

1. Automotive equipment owned by the District will be charged at the following rates:

Sedan	20 cents per mile
$\frac{1}{2}$ -ton pickup	20 cents per mile
Carryall station wagon	25 cents per mile

The above rates include insurance, license fees, storage, operation, and maintenance costs exclusive of operators or drivers.

D. Other services

1. Soil samples will be sent to the Soil Conservation Service soils laboratory for testing. Billing to be made to the District and cost shared according to agreement for services (force account).
2. Other testing services will be performed by local commercial laboratories. Billing to be made to the District and cost shared according to agreement for services (force account).

3. Reproduction of drawings and specifications (including paper).

- a. Ozalid prints 10 cents per square foot
- b. Memeograph duplication 3 cents per page
- c. Copying 10 cents per page

E. Personnel

The following-listed personnel will be employed on RCWP work at the indicated hourly rates of pay including fringe benefits and insurance based on an 8-hour day with no premium time (overtime or weekends).

<u>Name</u>	<u>Title or Job</u>	<u>Rate</u>
Tom Jones	District Manager	\$11.95
John Williams	Conservation Technician	8.05
Emmett Larson	Conservation Technician	7.35
Norman Dickson	Survey Technician	6.50
Harland Dees	Survey Technician	6.00
Barry Sides	Survey Technician	6.50
Mary Smith	Clerk Typist	4.00

Tools and small equipment normally used by these employees in the performance of their duties will be furnished by the District at no charge.

F. Schedule of operations, October 1, 1979, to September 30, 1980

Primary jobs and processes to be performed during period:

1. Resource data review and inventory of land units on which participants have submitted RCWP applications.
2. Evaluation of inventory data, selection of alternatives, decisions reached.
3. Development of water quality plans incorporating best management practices.
4. Preparation of plans and specifications where needed.
5. Field layout and water quality plan implementation services.
6. Compliance reviews, construction checks, and certification assistance services.

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G. Administrative procedure

The District shall keep the following records and any others necessary to substantiate costs of work performed under this plan of operations and agreement:

1. Daily time reports.
2. Price quotations.
3. Delivery tickets.
4. Vehicle equipment records.
5. Material test reports.

FAIRVIEW SOIL CONSERVATION
DISTRICT

Submitted By: /s/ Earl G. Campbell

Title: Chairman

Date: September 5, 1979

Concurred:

By: /s/ William O. Smith

Title: State Administrative Officer
Soil Conservation Service
United States Department of Agriculture

Date: September 15, 1979

By: /s/ John P. Wheeler

Title: State Conservationist

§505.13 Property management standards

PROPERTY MANAGEMENT STANDARDS

1. This attachment prescribes uniform standards governing the utilization and disposition of property furnished by the Soil Conservation Service or acquired in whole or in part with SCS funds. Administering agencies are responsible for observing the standards set forth herein. Administering agencies are authorized to use their own property management standards and procedures as long as the provisions of this attachment are included.

2. Definitions:

(a) Real property. Real property means land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

(b) Personal property. Personal property of any kind except real property. It may be tangible -- having physical existence, or intangible -- having no physical existence, such as patents, inventions, and copyrights.

(c) Nonexpendable personal property. Nonexpendable personal property means tangible personal property having a useful life of more than 1 year and an acquisition cost of \$300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above.

(d) Expendable personal property. Expendable personal property refers to all tangible personal property other than nonexpendable property.

(e) Excess property. Excess property means property under the control of any grantee which, as determined by the head thereof, is no longer required for its needs or discharge of its responsibilities.

(f) Acquisition cost of purchased nonexpendable personal property. Acquisition cost of an item of purchased nonexpendable personal property means that the net invoice unit price of the property including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty, or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the grantee's regular accounting practices.

3. Use and Disposition of Real Property.

a. Title to real property shall vest in the administering agency subject to the condition that the administering agency shall use the real property as long as needed for the purpose for which it was acquired.

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b. The administering agency shall obtain approval by SCS for the use of the real property in other projects when the administering agency determines that the property is no longer needed for the original purposes.

c. When the real property is no longer needed as provided in a. and b. above, the administering agency shall request disposition instructions from SCS or its successor Federal agency.

4. SCS owned nonexpendable personal property. Title to SCS owned property remains vested in SCS. Administering agencies shall submit annually an inventory listing of SCS owned property in their custody to SCS. Upon completion of the agreement or when the property is no longer needed, the administering agency shall report the property to SCS for further utilization.

5. Other nonexpendable property. When other nonexpendable tangible property is acquired by an administering agency with project funds, title shall vest in the administering agency subject to the following conditions:

a. Right to transfer title. For items of nonexpendable personal property having a unit acquisition cost of \$1,000 or more, SCS reserves the right to transfer the title to SCS or to a third party named by SCS when such third party is otherwise eligible under existing statutes. Such reservation shall be subject to the following standards:

(1) The property shall be appropriately identified or otherwise make known to the administering agency in writing.

(2) SCS shall issue disposition instructions within 120 calendar days after the end of the project for which it was acquired. If SCS fails to issue disposition instructions within the 120 calendar-day period, the administering agency shall apply the standards of subparagraph 5b and 5c as appropriate.

(3) When SCS exercises its right to take title, the personal property shall be subject to the provisions for SCS owned nonexpendable property discussed in paragraph 4, above.

(4) When title is transferred either to SCS or to a third party, the provisions of subparagraph 5c(2)(b) should be followed.

b. Use of other tangible nonexpendable property for which the administering agency has title.

(1) The administering agency shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original project or program, the administering agency shall use the property in connection with its other Federally sponsored activities, in the following order of priority:

- (a) Activities sponsored by SCS.
- (b) Activities sponsored by other Federal agencies.

(2) Shared use. During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the administering agency shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the property was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by SCS; second preference shall be given to other projects or programs sponsored by other Federal agencies. If the property is owned by SCS, use on other activities not sponsored by the Federal government shall be permissible if authorized in writing by the State Conservationist.

c. Disposition of other nonexpendable property. When the administering agency no longer needs the property as provided in 5b above, the property may be used for other activities in accordance with the following standards:

(1) Nonexpendable property with a unit acquisition cost of less than \$1,000. The administering agency may use the property for other activities without reimbursement to SCS or sell the property and retain the proceeds.

(2) Nonexpendable personal property with a unit acquisition cost of \$1,000 or more. The administering agency may retain the property for other uses provided that compensation is made to SCS or its successor. The amount of compensation shall be computed by applying the percentage of SCS participation in the cost of the original project or program to the current fair market value property. If the administering agency has no need for the property and the property has further use value, the administering agency shall request disposition instructions from SCS.

The SCS shall determine whether the property can be used to meet SCS's requirements. SCS shall issue instructions to the administering agency no later than 120 days after the grantee request, and the following procedures shall govern:

(a) If so instructed or if disposition instructions are not issued within 120 calendar days after the administering agency's request, the administering agency shall sell the property and reimburse SCS an amount computed by applying to the sales proceeds the percentage of SCS participation in the cost of the original project or program. However, the administering agency shall be permitted to deduct and retain from SCS's share \$100 or 10 percent of the proceeds, whichever is greater, for the administering agency's selling and handling expenses.

(b) If the administering agency is instructed to ship the property elsewhere, the administering agency shall be reimbursed by SCS with an amount which is computed by applying the percentage of the

administering agency participation in the cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping interim storage costs incurred

(c) If the administering agency is instructed to otherwise dispose of the property, the administering agency shall be reimbursed by SCS for such costs incurred in its disposition.

d. Property management standards for nonexpendable property. The administering agency's property management standards for nonexpendable personal property shall include the following procedural requirements:

(1) Property records shall be maintained accurately and shall include:

(a) A description of the property.

(b) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(c) Source of the property including agreement number.

(d) Whether title vests in the administering agency or SCS.

(e) Acquisition date (or date received, if the property was furnished by SCS) and cost.

(f) Percentage (at the end of the budget year) of SCS participation in the cost of the project or program for which the property was acquired (not applicable to property furnished by SCS).

(g) Location, use, and condition of the property and the date the information was reported.

(h) Unit acquisition cost.

(i) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where an administering agency compensates SCS for its share.

(2) Property owned by SCS must be marked to indicate SCS ownership.

(3) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The administering agency shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(4) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by SCS, the administering agency shall promptly notify SCS.

(5) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(6) Where the administering agency is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

6. Expendable personal property. Title to expendable personal property shall vest in the administering agency upon acquisition. If there is a residual inventory of such property exceeding \$1,000 in total aggregate fair market value upon termination or completion of the agreement and if the property is not needed for any other Federally sponsored project or program, the administering agency shall retain the property for use on nonfederally sponsored activities, or sell it but must in either case, compensate SCS for its share. The amount of compensation shall be computed in the same manner as nonexpendable personal property.

7. Intangible property.

a. Inventions and patents. If any program produces patentable items, patent rights, processes, or inventions, in the course of work sponsored by SCS, such fact shall be promptly and fully reported to SCS. Unless there is a prior agreement between the administering agency and SCS on disposition of such items, SCS shall determine whether protection on the invention or discovery shall be sought. SCS will also determine how the rights in the invention or discovery, including rights under any patent issued thereon, shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and agencies, August 23, 1971, and Statement of Government Patent Policy as printed in 36 FR 16889).

b. Copyrights. Except as otherwise provided in the terms and conditions of the agreement, the author or the administering agency is free to copyright any books, publications, or other copyrightable materials developed in the course of or under an agreement, but SCS shall reserve a royalty-free nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize other to use, the work for government purposes.

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\$505.14 Clean air and water certification and clause.

Clean Air and Water Certification

(Applicable if this agreement exceeds \$100,000, or a facility to be used has been the subject of a conviction under the Clean Air Act (42 U.S.C. 1857c-8(c)(1) or the Federal Water Pollution Control Act (33 U.S.C. 1319(c)) and is listed by EPA, or is not otherwise exempt.)

The project administering agency(s) signatory to this agreement certifies as follows:

- (a) Any facility to be utilized in the performance of this proposed agreement is is not listed on the Environmental Protection Agency List of Violating Facilities.
- (b) He will promptly notify the State Administrative Officer prior to the signing of this agreement by the Service, of the receipt of any communication from the Director, Office of Federal Activities, U.S. Environmental Protection Agency, indicating that any facility which he proposes to use for the performance of the agreement is under consideration to be listed on the Environmental Protection Agency List of Violating Facilities.
- (c) He will include substantially this certification, including this subparagraph (c), in every nonexempt subagreement.

Clean Air and Water Clause

(Applicable only if the agreement exceeds \$100,000, or a facility to be used has been the subject of a conviction under the Air Act (42 U.S.C. 1857c-8(c)(1) or the Water Act (33 U.S.C. 1319(c)(d)) and is listed by EPA or the agreement is not otherwise exempt.)

A. The project administering agency(s) signatory to this agreement agrees as follows:

- (1) To comply with all the requirements of section 114 of the Air Act, as amended (42 U.S.C. 1857c-q) and section 308 of the Water Act, as amended (33 U.S.C. 1318), respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder before the signing of this agreement by the Service.
- (2) That no portion of the work required by this agreement will be performed in a facility listed on the Environmental Protection Agency List of Violating Facilities on the date when this agreement was awarded unless and until the EPA eliminates the name of such facility or facilities from such listing.

(3) To use his best efforts to comply with clean air standards and clean water standards at the facilities in which the agreement is being performed.

(b) To insert the substance of the provisions of this clause in any nonexempt subagreement including this subparagraph (4).

B. The terms used in this clause have the following meanings:

(1) The term "Air Act" means the Air Act, as amended (42 U.S.C. 1857 et seq.).

(2) The term "Water Act" means Water Act, as amended (33 U.S.C. 1251 et seq.).

(3) The term "clean air standards" means any enforceable rules, regulations, guidelines, standards, limitation, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in section 110(d) of the Air Act (42 U.S.C. 1857c-5(d)), and approved implementation procedure or plan under section 111(c) or section 111(d), respectively, of the Air Act (42 U.S.C. 1857c-b(c), (d)), or an approved implementation procedure under section 112(d) of the Air Act (42 U.S.C. 1857c-(d)).

(4) The term "clean water standards" means any enforceable limitation, control, condition, prohibition, standard, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a State under an approved program, as authorized by section 402 of the Water Act (33 U.S.C. 1342), or by a local government to ensure compliance with pretreatment regulations as required by section 307 of the Water Act (33 U.S.C. 1317).

(5) The term "compliance" means compliance with clean air or water standards. Compliance shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency, or an air or water pollution control agency in accordance with the Air Act or Water Act and regulations issued pursuant thereto.

(6) The term "facility" means any building, plant, installation, structure, mine, vessel, or other floating craft, location, or site of operations, owned, leased, or supervised by a sponsor, to be utilized in the performance of an agreement or subagreement. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are colocated in one geographical area.

505.15

§505.15 Amendment to grant agreement.

STATE Anystate
 RURAL CLEAN WATER PROGRAM
Greenfield Water Quality Project
 (Project Name)
 Agreement No. 59-0079-0595

UNITED STATES DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

AMENDMENT NO. 1 TO GRANT AGREEMENT

The estimated cost of best management practices as set out in Clause A.1 and associated grant administrative costs, Clause A.2, are hereby changed as follows:

<u>Change</u>	<u>From</u>	<u>To</u>
Clause A.1	\$2,095,238	\$2,133,333
Clause A.2	\$ 104,762	\$ 106,667
Total Grant Funds	\$2,530,000	\$2,570,000

Purpose: To increase funds by \$40,000 for additional best management practices required for completion of long term RCWP contracts, provide an appropriate increase in the grant administration funds, and extend the allowable contracting period to 5 years and 45 days as a result of the grant suspension order dated January 28, 1980.

ANYSTATE SOIL CONSERVATION
 AGENCY

By: /s/ Leonard R. EvansTitle: Executive DirectorDate: March 3, 1980

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

By: /s/ John P. WheelerTitle: State ConservationistDate: March 19, 1980

§505.16 Suspension order for grant activities.



United States
Department of
Agriculture

Soil
Conservation
Service

P O. Box 2890
Washington, D.C.
20013

January 28, 1980

Mr. Leonard R. Evans, Executive Director
Anystate Soil Conservation Agency
P.O. Box 1976
Clearwater, Anystate 50208

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Suspension of work under RCWP Grant Agreement No. 59-0079-9-0505

Dear Mr. Evans:

In accordance with our discussion of January 12, 1979, and Section 634.16, Rural Clean Water Program Regulations, you are hereby directed to suspend all work being performed under the provisions of the above referenced grant agreement. Suspension of work is considered necessary by the Soil Conservation Service due to your failure to comply with grant award stipulations. This suspension takes effect the day following your receipt of this order and shall remain in effect for 45 calendar days or until cancelled by the Soil Conservation Service. Grant payments to the Anystate Soil Conservation Agency will be withheld by the SCS while the suspension order is in effect.

During the suspension you are directed to take the following actions:

- (1) Orders for materials or services that are ready to be released for grant related purposes shall not be issued. Orders that have been placed for materials or services, which have not been filled, shall be suspended where possible.
- (2) New RCWP project area contracts may continue to be executed with participants during the suspension period.
- (3) Existing contracts in the project area which were executed by you as the administering agency prior to the suspend order shall be serviced as provided by the contract provisions.
- (4) Take whatever other actions are necessary to minimize or eliminate unnecessary administrative expense allocable to the grant during the period of suspension.



505.16

Please let us know of any new conditions that may affect the terms of this suspension order so that we may consider the situation and take action in resuming normal RCWP operations as soon as possible. We will be available to discuss this matter with you at any time.

Sincerely,

/s/ John P. Wheeler
John P. Wheeler
State Conservationist

bc:

Members, State Rural Clean Water Coordinating Committee
Spring Creek Soil Conservation District ASC County Committee
AC
DC

505-54

(14-500/507-(NRCWPM), July 1979)

§505.17 Notice of intent to terminate grant agreement.



United States
Department of
Agriculture

Soil
Conservation
Service

P.O Box 2890
Washington, D.C.
20013

February 12, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Leonard R. Evans, Executive Director
Anystate Soil Conservation Agency
P.O. Box 1976
Clearwater, Anystate 50208

Dear Mr. Evans:

NOTICE OF INTENT TO TERMINATE GRANT AGREEMENT

You are hereby notified that the Soil Conservation Service intends to terminate all SCS grant supported activities on the Greenfield Water Quality Project, Grant Agreement No. 59-0079-9-0505.

The instructions in the suspension order dated January 28, 1980, remain in effect except as follows: (1) New RCWP project area contracts shall not be executed with participants after receipt of this notice.

Please notify me if you wish to discuss any aspects of the proposed termination. Your expressed views on this action will be forwarded to the Administrators of the Soil Conservation Service and the Environmental Protection Agency, and your views will be considered prior to reaching any final determination to terminate the grant agreement.

Sincerely,

/s/ John P. Wheeler
John P. Wheeler
State Conservationist

bc:

Members, State Rural Clean Water Coordinating Committee
Spring Creek Soil Conservation District
ASC County Committee
AC
DC



505.18

§505.18 Grant termination agreement or notice.

STATE Anystate
RURAL CLEAN WATER PROGRAM
Greenfield Water Quality Project
(Project Name)
AGREEMENT NO. 59-0079-9-0505

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

GRANT TERMINATION AGREEMENT OR NOTICE

This agreement is made between the Anystate Soil Conservation Agency, called the administering agency, and the Soil Conservation Service, United States Department of Agriculture, called the SCS.

This action is now taken for cause, that being failure of the administering agency to make satisfactory progress toward achieving an adequate level of participation of participants in the project area (Reference 634.5(a) and 634.17 RCWP Regulations).

Effective at close-of-business on March 15, 1980, Soil Conservation Service assistance on subject grant is terminated except as detailed below:

- (1) The administering agency shall refund to the Soil Conservation Service all Federal grant funds paid or owed to the administering agency that are allocable to the work under subject agreement, including unexpended funds for cost sharing on existing RCWP contracts. Noncancelable obligations (other than RCWP contracts) made prior to the effective date of this agreement shall be excepted from the refunds.
- (2) The administering agency shall reduce the amount of all other outstanding commitments to the maximum extent possible and report in writing to the State Conservationist, SCS, the uncommitted balance of funds remaining (634.17(c)).
- (3) Termination costs and reasonable, appropriately documented costs resulting since the suspension order dated January 28, 1980, will be determined as provided by FMC 74-4 and applicable Federal cost principles.
- (4) Existing RCWP contracts shall be transferred to the ASCS County Office within 5 working days of the effective date of this agreement (634.17(c)(1)(ii)).

(5) In the event that an appeal of this termination is sustained in the administering agency's favor, a reinstatement notice shall be issued by the State Conservationist, Soil Conservation Service.

ANYSTATE SOIL CONSERVATION
AGENCY

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

By: /s/ Leonard R. Evans

By: /s/ John P. Wheeler

Title: Executive Director

Title: State Conservationist

Date: March 5, 1980

Date: March 10, 1980

CONCURRED:

CONCURRED:

By: /s/ Douglas M. Costle

By: /s/ R. M. Davis

Title: Administrator
(Environmental Protection Agency)

Title: Administrator
(Soil Conservation Service)

Date: February 20, 1980

Date: February 18, 1980

505.18

\$505.18 Grant termination agreement or notice.

STATE	Anystate
RURAL CLEAN WATER PROGRAM	
Greenfield Water Quality Project	
(Project Name)	
AGREEMENT NO.	59-0079-9-0505

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

GRANT TERMINATION AGREEMENT OR NOTICE

This agreement is made between the Anystate Soil Conservation Agency, called the administering agency, and the Soil Conservation Service, United States Department of Agriculture, called the SCS.

This action is now taken for cause, that being failure of the administering agency to make satisfactory progress toward achieving an adequate level of participation of participants in the project area (Reference 634.5(a) and 634.17 RCWP Regulations).

Effective at close-of-business on March 15, 1980, Soil Conservation Service assistance on subject grant is terminated except as detailed below:

- (1) The administering agency shall refund to the Soil Conservation Service all Federal grant funds paid or owed to the administering agency that are allocable to the work under subject agreement, including unexpended funds for cost sharing on existing RCWP contracts. Noncancellable obligations (other than RCWP contracts) made prior to the effective date of this agreement shall be excepted from the refunds.
- (2) The administering agency shall reduce the amount of all other outstanding commitments to the maximum extent possible and report in writing to the State Conservationist, SCS, the uncommitted balance of funds remaining (634.17(c)).
- (3) Termination costs and reasonable, appropriately documented costs resulting since the suspension order dated January 28, 1980, will be determined as provided by FMC 74-4 and applicable Federal cost principles.
- (4) Existing RCWP contracts shall be transferred to the ASCS County Office within 5 working days of the effective date of this agreement (634.17(c)(1)(ii)).

(5) In the event that an appeal of this termination is sustained in the administering agency's favor, a reinstatement notice shall be issued by the State Conservationist, Soil Conservation Service.

ANYSTATE SOIL CONSERVATION
AGENCY

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

By: /s/ Leonard R. Evans

By: /s/ John P. Wheeler

Title: Executive Director

Title: State Conservationist

Date: March 5, 1980

Date: March 10, 1980

CONCURRED:

CONCURRED:

By: /s/ Douglas M. Costle

By: /s/ R. M. Davis

Title: Administrator
(Environmental Protection Agency)

Title: Administrator
(Soil Conservation Service)

Date: February 20, 1980

Date: February 18, 1980

PART 505 EXHIBITS

505.19

§505.19 Amendment to agreement for services (force account).

STATE Anystate
RURAL CLEAN WATER PROGRAM
Greenfield Water Quality
Project
(Project Name)
AGREEMENT NO. 59-0079-9-0595

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

AMENDMENT NO. 1 TO AGREEMENT FOR SERVICES (Force Account)

The estimated cost is hereby changed as follows:

<u>Service</u>	<u>From</u>	<u>To</u>
	\$ 125,000	\$ 146,000

Purpose: To adjust funds as a result of additions in the work force being maintained by the District for performing technical assistance services, and revise the plan of work accordingly.

FAIRVIEW SOIL CONSERVATION DISTRICT

UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

By: /s/ Earl G. Campbell

By: /s/ John P. Wheeler

Title: Chairman

Title: State Conservationist

Date: June 27, 1980

Date: July 9, 1980

SUBPART B - AGREEMENTS

505.20

§505.20 Standard Form 424, Federal Assistance.

OMB Approval No. 29-80218						
FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION	3. NUMBER	4. STATE APPLICATION IDENTIFIER	5. NUMBER	
1. TYPE OF ACTION <input type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION <small>(Mark appropriate box)</small> <input type="checkbox"/> NOTIFICATION OF INTENT (OASIS) <input type="checkbox"/> REPORT OF FEDERAL ACTION		6. DATE Year month day <small>Leave Blank</small>	7. DATE Year month day <small>ASSIGNED</small>			
6. LEGAL APPLICANT/RECIPIENT		8. FEDERAL EMPLOYER IDENTIFICATION NO.				
a. Applicant Name b. Organization Unit c. Street/P.O. Box d. City e. State f. Contact Person (Name & Telephone No.)		a. County : b. ZIP Code	6. PROGRAM <small>(From Federal Catalog)</small>	8. NUMBER _____	9. TITLE _____	
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT		10. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.) 11. ESTIMATED NUMBER OF PERSONS BENEFITING				
12. PROPOSED FUNDING		13. CONGRESSIONAL DISTRICTS OF:				
a. FEDERAL \$ <input type="text"/> . <input type="text"/> b. APPLICANT \$ <input type="text"/> . <input type="text"/> c. STATE \$ <input type="text"/> . <input type="text"/> d. LOCAL \$ <input type="text"/> . <input type="text"/> e. OTHER \$ <input type="text"/> . <input type="text"/> f. TOTAL \$ <input type="text"/> . <input type="text"/>	14. APPLICANT <input type="checkbox"/>	15. PROJECT START DATE Year month day <small>Leave Blank</small>	16. PROJECT DURATION Months <small>Leave Blank</small>	17. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY Year month day <small>Leave Blank</small>	18. TYPE OF ASSISTANCE a. New <input type="checkbox"/> b. Continuation <input type="checkbox"/> c. Revision <input type="checkbox"/> d. Relocation <input type="checkbox"/> e. Supplemental Grant <input type="checkbox"/> f. Other <input type="checkbox"/> <small>Enter appropriate letter(s) <input type="checkbox"/></small>	
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)		19. EXISTING FEDERAL IDENTIFICATION NUMBER <small>Leave Blank</small>				
22. THE APPLICANT CERTIFIES THAT <input type="checkbox"/> a. To the best of my knowledge and belief, data in this preapplication/application are true and correct; the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached instructions if the application is approved. 23. CERTIFYING REPRESENTATIVE <input type="checkbox"/> b. If required by OMB Circular A-95 this application was submitted pursuant to the instructions thereunder, to appropriate clearinghouses and all responses are attached to this application.		21. REMARKS ADDED <small>□ Yes □ No</small>				
		<small>Leave Blank</small>				
22. THE APPLICANT CERTIFIES THAT <input type="checkbox"/> a. To the best of my knowledge and belief, data in this preapplication/application are true and correct; the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached instructions if the application is approved. 23. CERTIFYING REPRESENTATIVE <input type="checkbox"/> b. If required by OMB Circular A-95 this application was submitted pursuant to the instructions thereunder, to appropriate clearinghouses and all responses are attached to this application.		<small>Leave Blank</small>				
24. AGENCY NAME <small>Leave Blank</small>		25. DATE SIGNED Year month day <small>Leave Blank</small>				
26. ORGANIZATIONAL UNIT <small>Leave Blank</small>		27. ADMINISTRATIVE OFFICE <small>Leave Blank</small>				
28. ADDRESS <small>Leave Blank</small>		29. FEDERAL GRANT IDENTIFICATION <small>Leave Blank</small>				
31. ACTION TAKEN		32. FUNDING a. FEDERAL \$ <input type="text"/> . <input type="text"/> b. APPLICANT \$ <input type="text"/> . <input type="text"/> c. STATE \$ <input type="text"/> . <input type="text"/> d. LOCAL \$ <input type="text"/> . <input type="text"/> e. OTHER \$ <input type="text"/> . <input type="text"/> f. TOTAL \$ <input type="text"/> . <input type="text"/>	33. ACTION DATE Year month day <small>Leave Blank</small>		34. STARTING DATE Year month day <small>Leave Blank</small>	
30. FEDERAL AGENCY A-95 ACTION		35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)		36. ENDING DATE Year month day <small>Leave Blank</small>		
30. FEDERAL AGENCY A-95 ACTION		37. REMARKS ADDED <small>□ Yes □ No</small>				
30. FEDERAL AGENCY A-95 ACTION		38. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)				

STANDARD FORM 424 PAGE 1 (10-78)
Prescribed by GSA, Federal Management Circular 74-1

505-59

PART 505 EXHIBITS

505.20

SECTION IV-REMARKS (Please reference the proper item number from Sections I, II or III, if applicable)

STANDARD FORM 424 PAGE 2 (10-75)

505-60

(14-500/507-(NRCWPM), July 1970)

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74-7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk (*), and use the remarks section on the back of the form. An explanation follows for each item.

Item	Item
1. Mark appropriate box. Pre application and application guidance is in FMC 74-7 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.	D. Insurance. Self explanatory. E. Other. Explain on remarks page.
2a. Applicant's own control number, if desired.	10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits
2b. Date Section I is prepared.	11. Estimated number of persons directly benefiting from project.
3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.	12. Use appropriate code letter. Definitions are: A. New. A submittal for the first time for a new project. B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year. C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease). D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years. E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.
3b. Date applicant notified of clearinghouse identifier	13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.
4a-4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.	14a. Self explanatory.
5. Employer identification number of applicant as assigned by Internal Revenue Service.	14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city wide" or "State wide."
6. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.	15. Complete only for revisions (item 12c), or augmentations (item 12e).
6b. Program title from Federal Catalog. Abbreviate if necessary.	
7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.	
8. Mostly self-explanatory. "City" includes town, township or other municipality.	
9. Check the type(s) of assistance requested. The definitions of the terms are: A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant. B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share). C. Loan. Self explanatory.	

505.20

Item	Item
16. Approximate date project expected to begin (usually associated with estimated date of availability of funding).	19. Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
17. Estimated number of months to complete project after Federal funds are available.	20. Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP
18. Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.	21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item.

Item	Item
22b List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached	23b. Self explanatory
23a Name and title of authorized representative of legal applicant.	23c Self explanatory Note. Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	Item
24. Executive department or independent agency having program administration responsibility	35. Name and telephone no. of agency person who can provide more information regarding this assistance
25. Self explanatory	36. Date after which funds will no longer be available.
26. Primary organizational unit below department level having direct program management responsibility.	37. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks
27. Office directly monitoring the program	38. For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—if same as person shown in item 35, write "same"; if not applicable, write "NA"
28. Use to identify non award actions where Federal grant identifier in item 30 is not applicable or will not suffice	
29. Complete address of administering office shown in Item 26.	
30. Use to identify award actions where different from Federal application identifier in item 28.	
31. Self explanatory. Use remarks section to amplify where appropriate.	
32. Amount to be contributed during the first funding/budget period by each contributor. Value of in kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding use totals and show program break outs in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks	
33. Date action was taken on this request.	
34. Date funds will become available.	

Federal Agency Procedures—special considerations

- A. Treasury Circular 1082 compliance. Federal agency will assure proper completion of Sections I and III if Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.
- B. OMB Circular A-95 compliance. Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.
- C. Special note. In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

STANDARD FORM 424 PAGE 4 (10-75)

505-62

(14-500/507-(NRCWPM), July 1979)

Legend for Preparing SF-424, Federal Assistance

These instructions are applicable to the preparation by SCS of SF-424 in reporting grant-in-aid actions as required by Treasury Circular 1082 (see Appendix for copy of the circular).

Sections I and III of SF-424 are to be completed. The numbers used below refer to the block numbers on the form.

1. Check "Report of Federal Action".
2. Leave blank.
3. Fill in, if known.
4. Name and address of the administering agency.
5. Complete, if known.
6. Use Federal Catalog of Domestic Assistance number.
7. Describe the project, such as Greenfield Water Quality Project.
8. Complete, as indicated.
9. SCS grants are E. "Other."
10. Follow instruction No. 10 of the General Instructions, SF-424.
11. Follow instruction No. 11 of the General Instructions, SF-424.
12. Leave blank.
13. Leave blank.
14. Complete, as indicated.
15. Leave blank.
16. Complete, as indicated.
17. Complete, as indicated.

505.20

18. Leave blank.
19. Complete, as indicated.
20. Leave blank.
21. Complete, as indicated.
22. Leave blank.
23. Leave blank.
24. U.S. Department of Agriculture.
25. Leave blank.
26. Soil Conservation Service.
27. Give State office name.
28. Leave blank.
29. State office address.
30. Contract number of the obligating document, i.e., grant agreement, agreement for services, or other, as appropriate.
31. Block a. or e. will be complete, as applicable.
32. Complete, as indicated.
33. Complete, as indicated.
34. Complete, as indicated (date or agreement).
35. Complete, as indicated.
36. Leave blank.
37. Complete, as indicated.
38. Leave blank.

505-62-2

(14-500/507-(NRCWPM), July 1979)

\$505.21 Appointment of government representative.

United States
Department of
Agriculture

Soil
Conservation
Service

P.O. Box 2890
Washington, D.C.
20013

SUBJECT: AS-15 - (RCWP), Agreement No. 59-0079-9-0595
Force Account Agreement for Services, Greenfield
Water Quality Project, Fairview Soil Conservation
District - Appointment of Government Representative

TO: Donald C. Anderson, District Conservationist, SCS
Jackson, Anystate 38208

You are hereby appointed Government Representative for the subject force account agreement for services between the Fairview Soil Conservation District and the Soil Conservation Service. This agreement covers the furnishing of technical assistance services required to carry out the subject RCWP project.

As Government Representative, you will be responsible for the following principal functions:

- (a) Become familiar with the terms and provisions of the RCWP grant agreement.
- (b) Become thoroughly familiar with the terms and provisions of the Agreement for Services.
- (c) Make recommendations to the State Conservationist regarding proposed changes by the District in the force account plan of operations.
- (d) Review the District's procurement actions and make recommendations as to the acceptability of quotations and determine that the required procedures are satisfied.
- (e) Help coordinate the technical assistance services being provided by the District with the Anystate Soil Conservation Agency, SCS, and the participant. Advise the State Conservationist of any serious scheduling problems.
- (f) Review the work performed under the agreement for services and determine its acceptability.
- (g) Make monthly progress reports to the State office through the line officer on technical assistance progress, work performed, and problems encountered. Attach a copy of the report to the District's Request for Advance or Reimbursement, SF-270.



505.21

(h) Maintain a job diary or other permanent record of work progress and spot checking of the District's performance to provide a basis for the monthly progress report.

You will be provided with a copy of the Agreement for Services.

Insofar as possible, changes to the force account plan of operations or other matters requiring attention should be anticipated prior to actual needs. Appropriate actions may then be taken to prevent unnecessary delay in furnishing technical assistance.

/s/ JOHN P. WHEELER
State Conservationist

bc:
Area Conservationist
Fairview Soil Conservation District

505-64

(14-500/507-(NRCWPM), July 1979)

SUBPART C - CONTRACTING

505.30

§505.30 SCS-WR-1, Application for Participation, RCWP.

U. S. DEPARTMENT OF AGRICULTURE Soil Conservation Service		SCS-WR-1 (1-79)	Form Approved DMA No. 040-R4073	
			FOR AGENCY USE ONLY	
			STATE	APPLICATION NO
			Anystate	Anystate-RCWP-007
			COUNTY	PRIORITY
			Anycounty	

APPLICATION FOR PARTICIPATION
Rural Clean Water Program

This information is provided under P.L. 93-579 (Privacy Act of 1974) for participants completing an application for assistance under the RCWP. Section 35, P.L. 95-217, 91 Stat. 1579, gives the Soil Conservation Service (SCS) the authority to provide technical and financial assistance for implementation of application provisions of the Clean Water Act of 1972. Use of this application form is necessary to perform these functions. A completed application gives permission and information necessary for AA and SCS personnel to assist in development of a water quality plan. The completed application may be used to obtain minority information, assign priorities, and to contact you concerning the needed RCWP data. All or part of the information may need to be disclosed during the contract period to Federal, State and local agencies which have responsibilities under 7 CFR 634. A copy of those rules and regulations are available in the office of the AA. Providing the information requested is voluntary; however, omission of an item means you will not receive full consideration for technical and financial assistance. Unless stated otherwise, all information obtained in the application is protected from unauthorized disclosure. Federal, State and local agency employees, including AA employees, are responsible for the privacy of these data.

NOTE: This information is provided under P.L. 93-579 (Privacy Act of 1974) for participants completing an application for assistance under the RCWP. Section 35, P.L. 95-217, 91 Stat. 1579, gives the Soil Conservation Service (SCS) the authority to provide technical and financial assistance for implementation of application provisions of the Clean Water Act of 1972. Use of this application form is necessary to perform these functions. A completed application gives permission and information necessary for AA and SCS personnel to assist in development of a water quality plan. The completed application may be used to obtain minority information, assign priorities, and to contact you concerning the needed RCWP data. All or part of the information may need to be disclosed during the contract period to Federal, State and local agencies which have responsibilities under 7 CFR 634. A copy of those rules and regulations are available in the office of the AA. Providing the information requested is voluntary; however, omission of an item means you will not receive full consideration for technical and financial assistance. Unless stated otherwise, all information obtained in the application is protected from unauthorized disclosure. Federal, State and local agency employees, including AA employees, are responsible for the privacy of these data.

PART I - DATA	
PARTICIPANT'S NAME	ADDRESS
John W. Miller	Rural Route 2, Box 266-G Anytown, Anystate 79208
James V. Johnson	P.O. Box 2658 Anytown, Anystate 79208

Farm or Ranch Operating Unit Information
LOCATION AND ACREAGE

346 acre land unit located 7 miles West of Anytown, Anystate on County

Road No. 45

PART II - TERMS AND CONDITIONS

- I (We) above listed participants hereby apply for assistance under the Rural Clean Water Program (RCWP). The following statements are a part of this application.
- I (We) intend to develop a water quality plan for the above operating unit in cooperation with the Soil and Water Conservation District (SWCD) and submit it to the Administering Agency (AA) for purposes of obtaining a Rural Clean Water Program contract.
- I (We) understand this application does not obligate me to enter into a contract under the Rural Clean Water Program.
- I (We), (do) (do not) have an existing RCWP contract. (NOT), (Each participant is limited to \$50,000 cost sharing assistance).

PART III - APPROVALS	
PARTICIPANT'S SIGNATURE	DATE
/s/ John W. Miller	9/7/79
/s/ James V. Johnson	9/11/79

505-65

PART 505 EXHIBITS

505.31

§505.31 SCS-WR-2, RCWP Contract.

U.S. DEPARTMENT OF AGRICULTURE Soil Conservation Service						Form Approved DMB No. 040 R4073	
Rural Clean Water Program CONTRACT			SCS-WR-2 (L-78)	CONTRACT NUMBER RCWP-00029	STATE Anystate		
			COUNTY Anycounty				
INFORMATION REGARDING DISCLOSURE OF YOUR SOCIAL SECURITY NUMBER UNDER P.L. 93-579, SECTION 7(b) Disclosure by you of your Social Security number (SSN) is voluntary, however, it is a necessary prerequisite to obtaining the services, benefits, or processes you are seeking. Solicitation of the SSN by the U.S. Department of Agriculture or the non-federal Administering Agency is authorized by the Clean Water Act of 1972, Public Law 95-217. The SSN is used as an identifier throughout the term of this contract. It will be used by the Administering Agency to report to the Internal Revenue Service amounts paid under the terms of this contract. It will also be used in connection with the lawful requests by other Federal agencies in connection with the work carried with the financial and technical assistance under the terms of this contract.							
PART I - DATA							
Participants				ADDRESS			
1. John W. Miller, co-owner		Rural Route 2, Box 266-G Anytown, Anystate 79208					
2. James V. Johnson, co-owner		P.O. Box 2658 Anytown, Anystate 79208					
3.							
Administering Agency (AA) Anystate Soil Conservation Agency P.O. Box 1976 Clearwater, Anystate 50208 CONTRACT PERIOD FROM 10/15/79 TO 10/14/84 ACREAGE 346 APPROXIMATE LOCATION 7 miles West of Anytown, Anystate on County Road #45							
PART II - TERMS AND CONDITIONS							
A. The above-listed Participant(s) agrees <ol style="list-style-type: none"> 1. To participate in the Rural Clean Water Program (RCWP) 2. To all provisions of this contract and attachments 3. To all applicable regulation for work to be done under the RCWP issued by the Administrator, Soil Conservation Service (SCS), United States Department of Agriculture 4. To carry out on the lands identified as the source of agriculture non point pollution within the operating unit, as shown in Part I hereof, best management practices in conformance with and as shown in the attached Water Quality Plan, which is attached hereto and made a part thereof, herein referred to as the plan 5. To carry out the provisions of this contract in accordance with SCS approved standards and specifications and/or plans obtained through the Administering Agency (AA) 6. To forfeit all rights to further payments or grants under the contract and refund to the AA all payments or grants, with interest, received hereunder upon violation of the contract at any time during the time he has control of the land under contract if the AA determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds, or accept such payment adjustment, as the AA may deem appropriate if it determined that the violation does not warrant termination of the contract 7. To forfeit all rights to further payments or grants under the contract and refund to the AA all payments or grants, with interest, received hereunder upon transfer of his right and interest in the land under contract during the contract period unless the transferee of the land under contract agrees with the AA to assume all obligations of the contract 8. To refrain from adopting any measure or treatment which would tend to defeat the purpose of the contract 9. That every operator having control of the land under contract during the period of this contract is shown herein 10. To permit free access to representatives of the AA and the SCS to provide technical assistance to establish and inspect the best management practices at all reasonable times 11. To maintain the best management practices installed on the land under contract as provided in the participant's Water Quality Plan B. The above AA agrees, <ol style="list-style-type: none"> 1. That all provisions of this contract will be carried out in accordance with the SCS field office technical guide, RCWP regulations, and the National Rural Clean Water Manual 2. To certify when work covered by this contract is completed by the participant and meets the technical requirements of the SCS 3. To make a copy of this contract available to the SCS and to coordinate the planning and required technical assistance through the District Conservationist, SCS C. It is mutually agreed that <ol style="list-style-type: none"> 1. This contract may be modified when it is agreeable with both parties. 2. The AA may terminate this contract by mutual consent with the participant if termination would be in the public interest D. Other Provisions <ol style="list-style-type: none"> 1. Special Provisions, attached 2. See supplement number 1, attached hereto and made a part hereof 							
PART III - APPROVALS							
PARTICIPANT'S SIGNATURE	SSN OR TAX ID NO	DATE	PARTICIPANT'S SIGNATURE	SSN OR TAX ID NO	DATE		
1. /s/ John W. Miller	208-18-1979	10/5/79	2. /s/ James V. Johnson	749-47-2701	10/9/79		
3.			4.				
ADMINISTERING AGENCY Anystate Soil Conservation Agency			By (Contracting Officer) /s/ Leonard R. Evans			10/25/79	

505-66

§ 505.32 Special provisions, RCWP contracts.

Contract No. 79-RCWP-00029
State Anystate
County Anycounty

SPECIAL PROVISIONS

1. PAYMENTS

- (a) Payments will be made at cost-share rates specified in the contract for the actual amount or extent determined after work is performed. Payments will be based on average costs, unless it is provided in the Water Quality Plan/Schedule of Operations that payment will be based on actual cost not to exceed the average cost.
- (b) Designation "aa" following average cost in the Plan/Schedule of Operations means the best management practice or identifiable unit is to be cost shared on an actual cost basis not to exceed the average cost.
- (c) The cost share amounts shown in the Water Quality Plan/Schedule of Operations are estimates only.

2. TIME SCHEDULE

All contract items except those listed below may be accomplished at any time prior to or not later than one year after the year shown under "Time Schedule" in the Water Quality Plan/Schedule of Operations without execution of a contract modification. All cost-shared practices must be installed at least 1 year before expiration of the contract, and all contract items must be accomplished prior to the expiration date of the contract.

No exceptions.

3. SUBSTITUTION AND CHANGES

Designation "S" following the best management practice (BMP) identification means a modification is not necessary because of substitution of mixtures, changes, or elimination of component parts of a BMP or change in type of a BMP according to final design provided the cost-share rate is the same, and the substitution or change does not significantly increase the cost share and is in accordance with the SCS technical guide.

4. PRIMARY PURPOSE CODES

The following designations following each BMP denotes that the primary purpose is to control water pollution caused by AW-animal waste, N-nutrients, P-pesticides, SL-salinity, and SD-sediment.

505.33

§505.33 Supplement to contract.

Contract No. 79-RCWP-00029

CONTRACT SUPPLEMENT NO. 1
. Part II TERMS AND CONDITIONS

1. It is agreed that John W. Miller is the participant who will carry
(name)
out all best management practices and identifiable units for which
cost-share payments will be made. It is further agreed that all
payments shall be made to John W. Miller. Application for Payment,
(name)
SCS-BF-141, shall be signed only by James V. Johnson.
(name)
2. It is further agreed that James V. Johnson shall sign all
(name)
modifications related to this contract. The modification documents
shall be signed in the name of James V. Johnson by Stanley White.
(participant) (name)

SUBPART C - CONTRACTING

505.34

\$505.34 SCS-CO-13, Status Review.

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICESTATUS REVIEW
RCWPSCS-CO-13
778

This information is used in both the development and implementation of a Conservation Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are 16 USC 590a (Soil Conservation), 16 USC 1301-1311 (Water Bank), 16 USC 590pt(b) (Great Plains), 30 USC 1236 et seq (Rural Abandoned Mines), 33 USC 1288 et seq (Rural Clean Water). Furnishing information is voluntary and will be confidential however it is necessary in order to receive assistance.

County Any county Date 9/12/80 Contract or Agreement No 79-RCWP-00029
 Name John W. Miller Address Rural Route 2, Box 266-G
Anytown, Any state 79208

Progress in applying plan.

All contract items are on schedule. The sediment detention structures completed as Item No. 12. The structure is approximately 2/3 full and will require clean-out in the spring.

Revision of plan or modification of contract needed:

The grassed waterway (Item No. 17) is being rescheduled from 1980 to 1981 on contract modification No. 3.

Need for technical assistance:

The grassed waterway design and layout, contract item No. 17, should be ready for a March 1981 installation.

Signed Charles Williams
District Conservationist or Administering Agency

John Miller
Participant

505.69

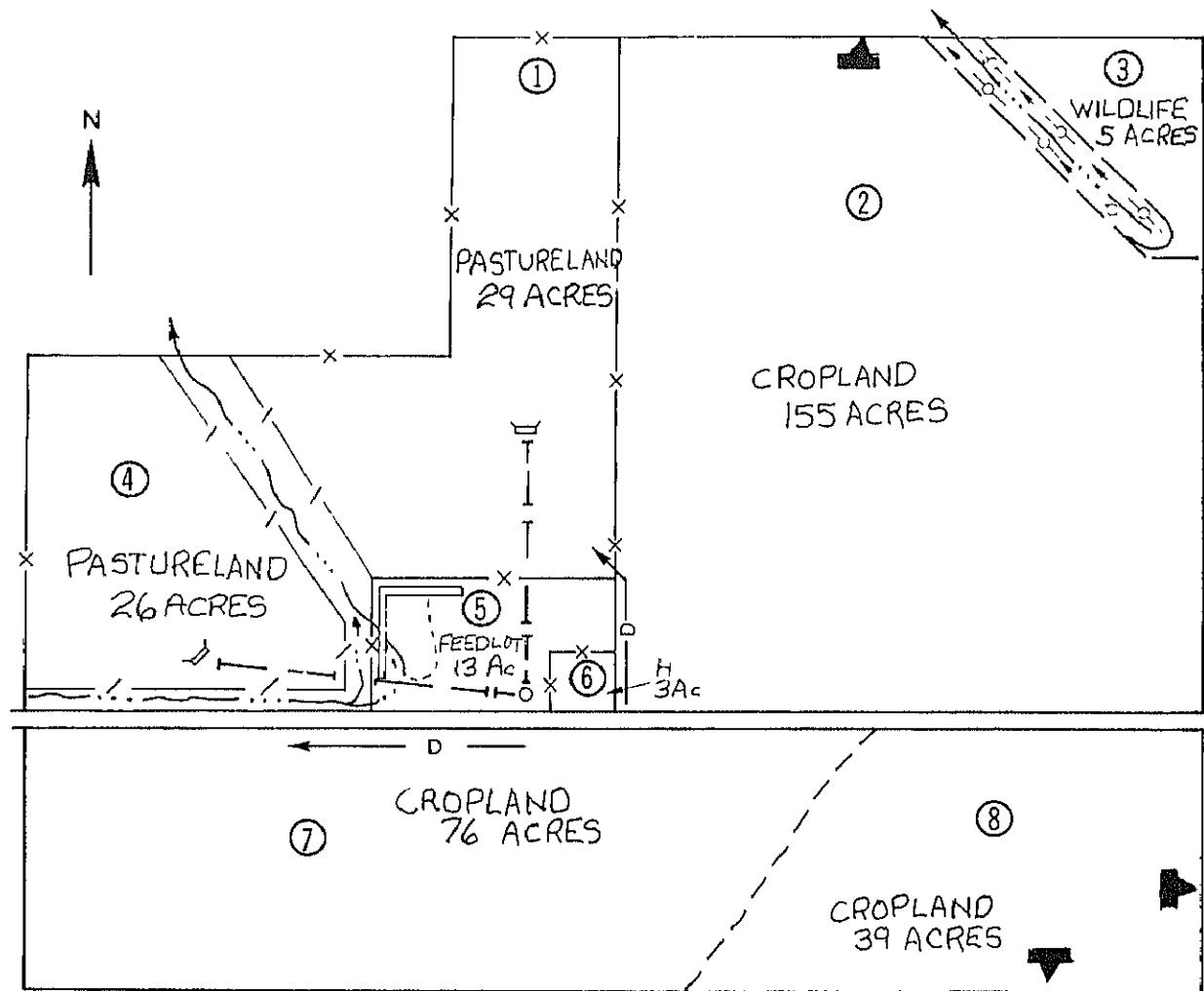
505.35-1

§505.35-1 SCS-CO-228, Conservation Plan Map (entire farm).

DEPARTMENT OF AGRICULTURE
Conservation ServiceSCS-CO-228
3-79

LAND USER	
John W. Miller & James V. Johnson	
ASSISTED BY	
Charles Williams	
DATE	ACRES
1-22-79	346
OTHER	
Scale: 8" = 1 mile	

CONSERVATION PLANNING INFORMATION



Entire farm considered a critical area or source for control of water pollution

505-70

SUBPART C - CONTRACTING

505.36-1

§505.36-1 SCS-CO-11, Plan/Schedule of Operations.

PLAN/SCHEDULE OF OPERATIONS

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Information is used in both the development and implementation of a Conservation, Reclamation or Water Quality plan as the baseline for land and/or coast sharing. The authorities for such work are: 16 USC 5804 et seq (Soil Conservation); 16 USC 1301-1311 (Water BWSR); 30 USC 1236 et seq (Rural Abandoned Mines); 33 USC 1268 et seq (Rural Clean Water); Furnishing of information and will be confidential, however, it is necessary in order to receive assistance.

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505-71

PLAN/SCHEDULE OF OPERATIONS

ITEM NO.	FIELD	NAME John W. Miller James V. Johnson	COUNTY Anycounty	STATE Anystate	CONTRACT OR AGREEMENT NUMBER RCM-00029		TOTAL ACRES 346	REFER ENCE NO.
					ESTIMATED AMOUNT (UNITS)	AVERAGE COST \$	COST-SHARE RATE %	
6	7.8	CONSERVATION TILLAGE (SD)	115 ac	10.00	50	575.00	115 ac	115 ac 115 ac
		Implementation cost for no tillage type system. Apply according to Job sheet no. 8.						
7	7.8	CROP RESIDUE USE (SD)	115 ac	N/C	N/C	115 ac	115 ac 115 ac	
		Maintain 2000 lbs of residues or more on the soil surface at all times.						
8	2	CROP RESIDUE USE (SD)	155 ac	N/C	N/C	155 ac	155 ac 155 ac	
		Maintain 2000 lbs of residue or more on the soil surface from crop harvest until March 1.						
9	2.7.8	PESTICIDE MANAGEMENT (P)	270 ac	N/C	N/C	270 ac	270 ac 270 ac	
		Use according to instructions on pesticide label and bulletin O-376. Bury empty containers in disposal pit in field 1.						
10	2.7.8	WASTE UTILIZATION (AW)	270 ac	N/C	N/C	270 ac	270 ac 270 ac	
		Manure will be applied to corn silage land 20 tons per acre in March. Corn grain land - 15 tons per acre in March wheat land - 7 tons per acre in Sept. Manure will be disked into soil; left on the surface in fields 2 & 7.						

* FOR NONCOST-SHARE ITEMS SHOW N/C

This information is used in both the development and implementation of a Conservation, Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are 16 USC 590a-1 (Soil Conservation); 16 USC 1301-1311 (Water Reclamation); 16 USC 590p(b) (Great Plains); 30 USC 1236 et seq (Rural Abandoned Rivers); 33 USC 1238 et seq (Rural Clean Water). Furnishing information is voluntary and will be confidential, however, it is necessary in order to receive assistance.

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PLAN/SCHEDULE OF OPERATIONS

ITEM NO.	FIELD	NAME John W. Miller James V. Johnson	COUNTY Dodge County	STATE Nebraska	CONTRACT OR AGREEMENT NUMBER RCWP-00029			TOTAL ACRES 346	REFER- ENCE NO.
					ESTIMATED AMOUNT (UNITS)	AVERAGE COST \$	*COST- SHARE %	TIME SCHEDULE AND ESTIMATED COST SHARE BY YEAR (FOR NONCOST SHARE ITEMS SHOW UNITS)	
11 .8		SEDIMENT BASIN (SD)		3 ea	1600.00	50	2400.00		
		Construct to trap sediment for water quality.							
12 4		PASTURE PLANTING (SD) "S"		25 ac	60.00	50	750.00		
		Seedbed Preparation		25 ac					
		Seed to Tall Fescue (PLS)		300 lb					
		Seeding		25 ac					
		Fertilizer: N		1650 lb					
		P205		825 lb					
		K20		825 lb					
13 1,4		PASTURE MANAGEMENT (SD)		55 ac	N/C	N/C		55 ac	55 ac
		Maintain a minimum of 2000 lbs of forage cover to control erosion.							
14 1,4		WASTE UTILIZATION (AW)		55 ac	N/C	N/C		55 ac	55 ac
		Apply 15 tons manure per acre in late March, and 15 tons per acre in early September. Will not be applied on snow or frozen ground.							

* FOR NONCOST-SHARE ITEMS SHOW N/C

N This information is used in both the development and implementation of a Conservation, Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are: 16 USC 590a (Soil Conservation), 16 USC 1301-1311 (Water Bank), 16 USC 590p(b) (Great Plains); 30 USC 1236 et seq.; 31 Abandoned Mines; 33 USC 1288 et seq (Rural Clean Water); Furnishing Information is voluntary and will be confidential; however, it is necessary in order to receive assistance.

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U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SCC CO 11
S 76
FORM APPROVED
OMB No. 40 R 3905

PLAN/SCHEDULE OF OPERATIONS

NAME	John W. Miller James V. Johnson	COUNTY	STATE	CONTRACT OR AGREEMENT NUMBER	TOTAL ACRES	REFERENCE NO.
ITEM NO.	FIELD	PLANNED TREATMENT (RECORD OF DECISIONS)	ESTIMATED AMOUNT (UNITS)	*AVERAGE COST \$	*COST- SHARE RATE %	TIME SCHEDULE AND ESTIMATED COST SHARE BY YEAR (FOR NONCOST SHARE ITEMS SHOW UNITS)
15	1,4	FENCING (AW) Install 4-strand barbed wire fence to exclude livestock from waterway.	2300 ft	.30	50	19 BO 345.00
16	3	GRADED WATERWAY (SD) Shape and sprig waterway to permanent grass, such as bermuda grass.	2.3 ac	350.00	50	402.50
17	3	GRADE STABILIZATION STRUCTURE (SD) Shape and establish to permanent grass such as bermuda grass.	1 ea	1500.00	50	750.00
18	3	CRITICAL AREA PLANTING (SD) Shape and establish to permanent grass such as bermuda grass.	1 ac	450.00	50	225.00
-	3	WILDLIFE UPLAND HABITAT MANAGEMENT Establish a mixture of grasses and legumes for dove and quail food. See job sheet no. 015. Protect from grazing by using electric fence. (Note 1)	5 ac	N/C	N/C	5 ac 5 ac 5 ac
19	1,2	DIVERSION (SD) Install 1200 lf diversion terrace.	1800 cy	.50	50	450.00
20	5	WASTE TREATMENT LAGOON (AM) Install to trap runoff from feedlot.	1600 cy	.50	50	4000.00

* FOR NONCOST SHARE ITEMS SHOW N/C

N This information is used in both the development and implementation of a Conservation, Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are 16 USC 590a-1 (Soil Conservation), 16 USC 1301-1311 (Water Bank);
O 16 USC 590p(b) (Great Plains); 30 USC 1236 et seq (Rural Abandoned Mines); 33 USC 1238 et seq (Rural Clean Water). Furnishing information
T is voluntary and will be confidential; however, it is necessary in order to receive assistance.
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505-74

(14-500/507-(NRCWPM), July 1979)

PLAN/SCHEDULE OF OPERATIONS

NAME	John W. Miller		COUNTY Anycounty	STATE Anystate	CONTRACT OR AGREEMENT NUMBER RCWP-00029		TOTAL ACRES 346	REFER- ENCE NO.
	ITEM NO.	FIELD NO.			PLANNED TREATMENT (RECORD OF DECISIONS)	ESTIMATED AMOUNT (UNITS)		
21	4	WASTE STORAGE STRUCTURE (AW)	1 ea	500.00	50	250.00		
22	4.5	PIPELINE FOR LIVESTOCK WATER (AW) "S" 2-inch plastic. Tanks for livestock water - 10' dia.	1000 ft	.75	50	375.00		
			2 ea	300.00	50	300.00		
		Total by year				4577.50	6020.00	8025.00
		Contract total	\$19,422.50					800.00
		NOTE 1:	Not a required BMP. Participant will not be in noncompliance if practice is not carried out.					
		APPROVED BY ANY SOIL CONSERVATION DISTRICT:					CERTIFICATION OF TECHNICAL ADEQUACY:	
12/5/79	/s/ Earl G. Campbell	Supervisor Title	12/1/79	/s/ Charles Williams	Date	Name	District Conservationist	Title
Date	Name							

This information is used in both the development and implementation of a Conservation, Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are 16 USC 590b-1 (Soil Conservation), 16 USC 1301-1311 (Water Bank), 16 USC 590p(b) (Great Plains); 30 USC 1:236 et seq (Rural Abandoned Mines); 33 USC 1288 et seq (Rural Clean Water). Furnishing information is voluntary and will be confidential; however, it is necessary in order to receive assistance.

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(14-500/507-(NRCWPM), July 1979)

505.36-1

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICESCS CONS 6
878Water Quality
CONSERVATION ASSISTANCE NOTES

Land user John W. MILLER and JAMES V. Johnson Address At c, Anytown
 Acreage 346 Location of unit FM 195, P.M. 1/2 Anytown
water quality
 Current conservation objectives of the land user is to control animal waste from the feedlot in Field 5 and the sediment, nutrients, and pesticides from the cropland area. Field 4 is steep and eroded. It will be established to permanent grass (contour strip cropping with grass strips and no-tillage when in row crops) w/

(As the land user's objectives change record them in the notes at that time.)

- List possible alternative resource management systems the SCS conservationist might consider with the land user.
discussed for the cropland. MR. MILLER chose terraces rather than grass strips.

(Alternatives may change at any time, when new alternatives are generated record them in the notes at that time)

Notes of significant assistance provided, alternatives considered, decisions reached, resource management systems or component practices installed, and followup provided may be recorded chronologically below and on additional pages to provide a history of resource conservation planning and implementation programs with the land user.

Date	Assisted by (Initials)	Notes
7-22-78	C.W.	MR. MILLER is interested in developing a complete waste management system for feeding operation. He would like to include it in a complete plan he is interested in getting started in 1979.
8-30-78	C.W.	MR. MILLER stopped by the office to see if cost sharing would be available in 1978. Set date to discuss soil maps, etc.
10-15-78	C.W.	WENT OVER FARM AND DISCUSSED SOILS AND VARIOUS ALTERNATIVES FOR EROSION CONTROL, MANAGEMENT, ETC. MR. MILLER VERY INTERESTED IN CONTROLLING HIS FIELD EROSION WITH PARALLEL TERRACES WITH TILE OUTLETS.

Place continuation sheets on top of this sheet as needed

505-76

(14-500/507-(NRCWPM), July 1979)

SUBPART C - CONTRACTING

505.36-1

**U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

SCS-CONS 6a
8-78

CONTINUATION SHEET

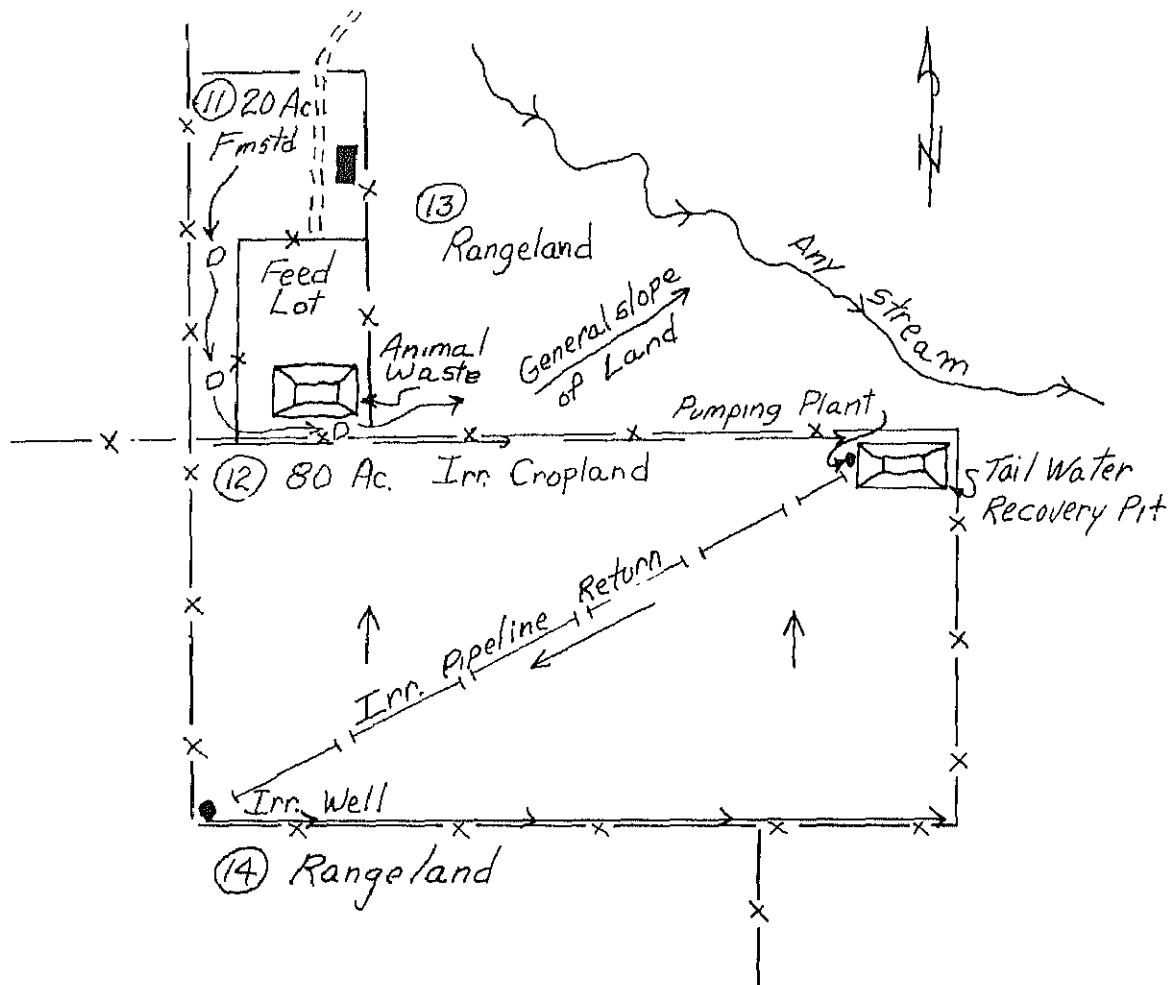
CONTINUATION SHEET
Participants: John W. Miller
~~Wendy~~ James V. Johnson

505-77

505.35-2

§505.35-2 SCS-CO-228, Conservation Plan Map (partial farm)

DEPARTMENT OF AGRICULTURE Conservation Service	SCS-CO-228 3-79	LAND USER John T. Farmer
		ASSISTED BY Doug R. Martin
CONSERVATION PLANNING INFORMATION		DATE 5-10-79 ACRES 100
		OTHER Scale 8" = 1 mile

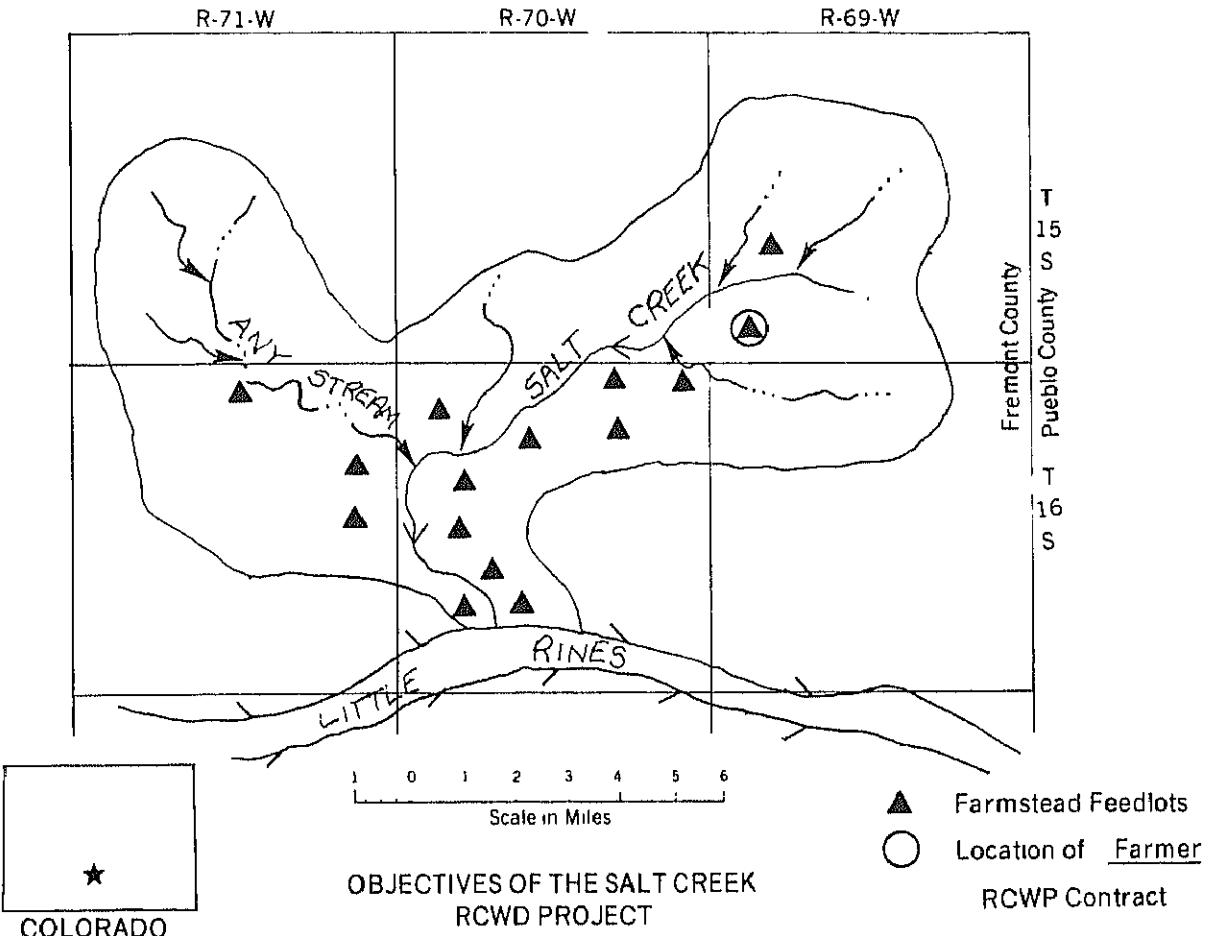


RCWP plan for the application of Best Management practices covering only that part of operating unit having a critical area or source of water quality problems

505-78

(14-500/507-(NRCWPM), July 1979)

SALT CREEK RCWP PROJECT AREA



The primary objective of the Salt Lake RCWP project area is to improve the quality of the water entering the Little Rines from the Salt Creek Watershed area.

Downstream users of the Little Rines are municipal, recreation, and agricultural.

The watershed contains approximately 56,320 acres and 79 operating units. There is a total of 37,300 acres of rangeland and 19,000 of irrigated cropland. Nineteen farms and ranches have feedlots. There are 21,320 acres in the watershed that have been identified as having critical water quality problems.

Primary sources of nonpoint agricultural pollution affecting water quality are animal waste, runoff from feedlots, irrigation return flows to the streams carrying a high concentration of saline salts, herbicides, pesticides, and nutrients. Excessive application of irrigation water to saline soils which result in the leaking of excess salts into the ground water and large quantities of saline ground water are returned to the stream.

505.36-2

§505.36-2 SCS-CO-11, Plan/Schedule of Operations

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SCS-CO-11
9-78
FORM APPROVED
OMB No. 40 R-3006

PLAN/SCHEDULE OF OPERATIONS

ITEM NO.	FIELD	NAME	COUNTY	STATE	CONTRACT OR AGREEMENT NUMBER		TOTAL ACRES 100	REFERENCE NO.	
					PLANNED TREATMENT (RECORD OF DECISIONS)	ESTIMATED AMOUNT (UNITS)	AVERAGE COST \$	*COST-SHARE RATE %	TIME SCHEDULE AND ESTIMATED COST SHARE BY YEAR (FOR NONCOST SHARE ITEMS SHOW UNITS)
1. 11		John T. Farmer	Fremont	Colorado	RCWP-0025				
1. 11		Farmstead - Feedlot							
		DIVERSION DIKE (AM)	4200 cy	.43/cy	50	903.00			
		Install 1200 lf diversion dike to prevent surface runoff from entering feedlot.							
2. 11		ANIMAL WASTE DISPOSAL LAGOON (AW)	5000 cy	.43/cy	50	1075.00			
		Construct earthfill pond for temporary storage of animal waste and runoff from feedlot.							
3. 12		TAIL WATER RECOVERY PIT (SL)	12500 cy	.38/cy	50	2375.00			
		Construct earthen pit to contain water from irrigated cropland that has accumulated saline salts, fertilizers, herbicides, and pesticides from irrigated field and prevent them from leaving the farm and entering water course.							

* FOR NONCOST SHARE ITEMS SHOW N/C

N This information is used in both the development and implementation of a Conservation, Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are, 16 USC 550a (Soil Conservation), 16 USC 1301-1311 (Water Banks), 16 USC 530p(b) (Great Plains); 30 USC 1236 et seq (Rural Abandoned Mines); 33 USC 1268 et seq (Rural Clean Water). Information furnished is voluntary and will be confidential; however, it is necessary in order to receive assistance.

O → T E

505-80

(14-500/507-(NRCWPM), July 1979)

PLAN/SCHEDULE OF OPERATIONS

SUBPART C - CONTRACTING

SCS CO 11
578
FOLIA APPROVED
OMB No. 40 R 3905

505.36-2

ITEM NO.	FIELD	NAME	COUNTY	STATE	CONTRACT OR AGREEMENT NUMBER	TOTAL ACRES	100	REFERENCE NO.	TIME SCHEDULE AND ESTIMATED COST SHARE BY YEAR (FOR NONCOST SHARE ITEMS SHOW UNITS)		
									19 80	19 81	19 82
4	12	PUMPING PLANT (SL)	Fremont	Colorado	RCP-0025						
		PLANNED TREATMENT (RECORD OF DECISIONS)									
		"2a"									
4	12	Install motor and pump to lift water from tail water recovery pit and deliver it through pipeline to head of Field and reuse.	1 ea	\$5,000.00	50		2500.00				
5	12	PIPELINE (SL)	2500 lf	3.00/lf	50		3750.00				
		Construct 10" dia. low head plastic pipeline from tail water recovery pit to head of field and reuse irrigation water in closed system and prevent contaminated water from leaving the farm.									
6	12	CONSERVATION CROPPING SYSTEM (SL)	80 ac	N/C	N/C						
		Consisting of 1-year corn and 1-year small grain to reduce erosion and sediment and maintain effective life span of closed irrigation system.									
7	12	IRRIGATION WATER MANAGEMENT (SL)	80 ac	N/C	N/C						
		Water will be applied at such a rate and amount that it will not exceed capacity of closed irrigation recovery system or result in the leaching of saline salts into underground water table									

* FOR NONCOST-SHARE ITEMS SHOW N/C

This information is used in both the development and implementation of a Conservation, Reclamation, or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are: 16 USC 590a-1 (Soil Conservation); 16 USC 1301-1311 (Water Bank); 16 USC 590d(b) (Great Plains); 30 USC 1236 et seq (Rural Abandoned Mines); 33 USC 1288 et seq (Rural Clean Water). Furnishing information is voluntary and will be confidential, however, it is necessary in order to receive assistance.

N O T E



505-81

(14-500/507-(NRCWPM), July 1979)

505.36-2

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

PLAN/SCHEDULE OF OPERATIONS

NAME	John T. Farmer		COUNTY Fremont	STATE Colorado	CONTRACT OR AGREEMENT NUMBER: RCWP-0025		TOTAL ACRES 100	REFER- ENCE NO.
	ITEM NO.	FIELD			PLANNED TREATMENT (RECORD OF DECISIONS)	ESTIMATED AMOUNT (UNITS)	AVERAGE COST \$	
8	12	ANIMAL WASTE UTILIZATION (AW)	80 ac	N/C	Apply no more than 20 tons/ac of animal waste in spring or fall when ground is not frozen and plow under.	80 ac	80 ac	80 ac
		Total by year					1978.00	8625.00
		Contract Total:	\$10,603.00					
		APPROVED BY SOIL CONSERVATION DISTRICT:		CERTIFICATION OF TECHNICAL ADEQUACY:				
5/16/79	J. M. Hill	Supervisor				5/16/79	Douglas Montier	District Conservationist
Date	Name	Title				Date	Name	Title

This information is used in both the development and implementation of a Conservation, Reclamation or Water Quality Plan as the basis for technical assistance and/or cost sharing. The authorities for such work are: 16 USC 590a-1 (Soil Conservation), 16 USC 1301-1311 (Water Banks); 16 USC 590b(p) (Great Plains), 30 USC 1236 et seq (Rural Abandoned Mines); 33 USC 1288 et seq (Rural Clean Water). Furnishing information is voluntary and will be confidential. However, it is necessary in order to receive assistance.

505-82

(14-500/507-(NRCWPM), July 1979)

SUBPART C - CONTRACTING

505.36-2

U S DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICESCS CONS 6
8-78Water Quality
CONSERVATION ASSISTANCE NOTES

Land user John T. Farmer Address Box 13, Canon City, Co.
 Acreage 157 Location of unit 13 mi. East of Canon City
 water quality
 Current conservation objectives of the land user Control animal waste and runoff from feedlot near farmstead and prevent irrigation water runoff from Field 12 carrying saline salts, nutrients, and pesticides from entering nearby stream. Improve application of irrigation water to reduce deep leaching.
 (As the land users objectives change record them in the notes at that time.)

-List possible alternative resource management systems the SCS conservationist might consider with the land user.
of salts into groundwater and return flow to stream.
Only 117 acres of the total 7,800 under existing conservation plan have water quality problems identified in the Salt Creek project. PMP's necessary for treatment will be reevaluated.

(Alternatives may change at any time, when new alternatives are generated record them in the notes at that time.)

Notes of significant assistance provided, alternatives considered, decisions reached, resource management systems or component practices installed, and followup provided may be recorded chronologically below and on additional pages to provide a history of resource conservation planning and implementation programs with the land user.

Date	Assisted by (Initials)	Notes
1-18-79	R E M	John Farmer stopped by office and requested help in planning irrigation water recovery system and animal waste control system. Made appointment to develop plans on the ranch with him.
2-3-79	R K M.	Went over ranch with MR. Farmer and inventoried water quality problems. Only feedlot and irrigation water runoff into creek stream were identified. Developed plans for animal waste disposal and tailwater recovery system. MR. FARMER did not want to include any other land in his CCP plan and schedule as it was already in

Place continuation sheets on top of this sheet as needed.

505-83

PART 505 EXHIBITS

505.36-2

U S DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SCS-CONS 6a
8-78

CONTINUATION SHEET

Participant John T. Farmer

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(14-500/507-(NRCWPM), July 1979)

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

**REVISION OF PLAN/SCHEDULE OF OPERATIONS
OR MODIFICATION OF CONTRACT**

SC5-CD-12
778
FORM APPROVED
OMB No. 40 R 3905

\$505.37 SCS-CONS-12, Revision of Plan/Schedule of Operations or Modification of Contract

NAME		COUNTY	STATE	CONTRACT OR AGREEMENT		REVISION OR MODIFICATION	
John W. Miller James V. Johnson		Any county	Anystate	NUMBER RCWP-00029		NUMBER 1	
<p>This information is used in both the development and implementation of a Conservation Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authority for such work are: 16 USC 590a-1 (Soil Conservation), 16 USC 1301-1311 (Water Bank), 16 USC 590p(d) (Great Plains), 30 USC 1236 et seq (Rural Abandoned Mines); 33 USC 1288 et seq (Rural Clean Water). Furnishing information is voluntary and will be confidential, however, it is necessary in order to receive assistance.</p>							
ITEM NO.	FIELD	PLANNED TREATMENT (RECORD OF DECISIONS)	PREVIOUS ESTIMATED COST SHARE	REVISED AMOUNT (UNITS)	* AVERAGE COST \$	COST - SHARE RATE %	REVISED TIME SCHEDULE AND ESTIMATED COST SHARE BY YEAR (FOR NONCOST SHARE ITEMS SHOW UNITS)
23	2	DIVERSION (AW)	0	800 ft			19 80 19 81 19 82 19 83
		Install diversion terrace	0	1200 ft	.40	50	240.00
24	7	DIVERSION (AW)	0	500 ft			
		Install diversion terrace	0	750 cy	.40	50	150,000
APPROVED BY ANY SOIL CONSERVATION DISTRICT:							
1/10/81	/s/ Earl G. Campbell	Supervisor					
	Date	Name	Title				
BASIS FOR MODIFICATION OR REVISION:							
Items 23 and 24 added to divert water from feedlot.							
APPROVAL BY PARTICIPANT				CONCURRENCE OF SOIL CONSERVATION SERVICE			
12/31/80	James V. Johnson by /s/ Stanley White			/s/ Charles Williams, District Conservationist			DATE 12/31/80
DATE 12/31/80	APPROVAL OF ADMINISTERING AGENCY (RCWP only)						DATE 12/31/80
	Leonard R. Evans						DATE

05-85

(14-500/507-(NRCWPM), July 1979)

PART 505 EXHIBITS

505.38

§505.38 SCS-CO-152, Transfer Agreement.

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

TRANSFER AGREEMENT

RCWP

SCS CO 152
778
Form Approved
OMB No. 40 R 4054

This information is used in both the development and implementation of a Conservation Reclamation or Water Quality Plan as the basis for technical assistance and/or cost sharing. The authorities for such work are: 36 USC 5901-7 Soil Conservation 16 USC 1301-1371 Water Bank 16 USC 5908b-1 Great Plains 30 USC 1236 et seq (Rural Abandoned Mines) 33 USC 1288 et seq (Rural Clean Water). Turning this information is voluntary and will be confidential; however, it is necessary in order to receive assistance.

STATE Anystate
COUNTY Anycounty
CONTRACT NO 80-RCWP-75

PRESENT PARTICIPANT - NAME AND ADDRESS

John W. Miller
Rural Route 2, Box 266-G
Anytown, Anystate 79208

NEW PARTICIPANT - NAME AND ADDRESS

Paul D. Robinson
Star Route 1, Box 47
Anytown, Anystate 79221

The undersigned hereby certify that the present participant has transferred to the new participant the following right and interest in the land unit described in the above numbered contract.

All rights and interests are transferred.

All previously applied items 7, 12, 17, 18, and 20 will be maintained. Contract items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, and 15 shall be carried out by the new participant.

By this transfer it is agreed

- 1 The new participant agrees to be bound by all the terms and conditions of the above numbered contract
- 2 The new participant agrees that his right to cost shares or other assistance under the above numbered contract shall be the same as the rights of the present participant
- 3 The Soil Conservation Service agrees to provide cost sharing and other assistance necessary to the new and present participants under the above numbered contract. Cost sharing and assistance provided under this transfer agreement shall be in accordance with applicable program rules and regulations

/s/ John W. Miller

(SIGNATURE OF PRESENT PARTICIPANT)

/s/ Paul D. Robinson

(SIGNATURE OF NEW PARTICIPANT)

DATE 6/7/81 SSN 208-18-1979 DATE 6/15/81 SSN 631-45-0250

APPROVED

BY /s/ Lorraine R. Evans

(CONTRACTING OFFICER)

DATE 7/2/81

INFORMATION REGARDING DISCLOSURE OF YOUR SOCIAL SECURITY NUMBER UNDER PUBLIC LAW 93-579 SECTION 7(b). Disclosure by you of your Social Security Number (SSN) is voluntary; however, it is a necessary prerequisite to obtaining services, benefits or processes you are seeking. Solicitation of the SSN by the United States Department of Agriculture, Soil Conservation Service is authorized by the programs listed above.

The SSN is used as an identifier throughout the term of this agreement. It will be used by the Soil Conservation Service to report to the Internal Revenue Service amounts paid under the terms of this agreement. It will also be used in connection with lawful requests by other Federal Financial and Technical Assistance under the terms of this agreement.

505-86

(14-500/507-(NRCWPM), July 1979)

SUBPART C - CONTRACTING

505.39

\$505.39 SCS-CO-151, Notice of Agreement or Contract Violation.

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SCS-CO-151
779

**NOTICE OF AGREEMENT
OR CONTRACT VIOLATION**

State Anystate
County Anycounty
Contract No 80-RCPW-425

RCPW

(Certified Mail -
Return Receipt
Requested)

Name of Participant(s)

Address of Participant(s)

Frank H. Reynolds

Box 291 Star Delivery

Anytown, Anystate 92536

You are hereby notified that information has been received which indicates a violation of the above identified contract as follows

- (1) Contract Item No. 4, Vegetative treatment of critical erosion areas, has not been maintained by you in accordance with contract specifications.
- (2) Contract Item No. 5, Livestock Exclusion (fencing) has been partially destroyed permitting livestock to damage approximately 5 acres of contract vegetative treatment (contract item No. 4). This is in violation with the contract specifications.

You may obtain a hearing before a hearing officer designated by the ~~STATE CONSERVATION~~ Administering Agency with respect to such violation if you file a written request for such a hearing in the ~~STATE CONSERVATION~~ office of the ~~STATE CONSERVATION~~ Administering Agency at

P. O. Box 1976

(Address)

Anytown

(City)

Anystate 5C208

(State)

not later than 30 days after you receive this notice. If you request such a hearing, the hearing officer will notify you in writing of the time, date and place set for the hearing. You may be represented at such a hearing and will be given a full opportunity to present facts and information relevant to the alleged violation, including oral or documentary evidence. If you fail to request a hearing within the time specified above, you will have no further right to a hearing.

Request for information concerning this notice or the alleged contract violation should be referred to the above mentioned ~~STATE CONSERVATION~~ Administering Agency office

Date August 7, 1980

/s/ Leonard R. Evans

Contracting Officer (RCPW)

Date August 18, 1980

/s/ John P. Wheeler

(State Conservation) ~~STATE CONSERVATION~~

505-87

(14-500/507-(NRCWPM), July 1979)

PART 505 EXHIBITS

505.40

§505.40 SCS-CO-153, Agreement Covering Non-Compliance With Provisions of Contract

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

**AGREEMENT COVERING NON COMPLIANCE
WITH PROVISIONS OF CONTRACT**

SCS CO 153
7-78 OMB No. 40 R 4054
Form Approved
OMB No.

RCWP

This information is used in both the development and implementation of a Conservation, Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are: 16 USC 479a (Soil Conservation); 16 USC 1301 (3)(i) (Water Banks); 16 USC 506(b) (Great Plains); 39 USC 1235 et seq. (Rural Abandoned Mines); 33 USC 1288 et seq. (Rural Clean Water). Funding information is voluntary and will be considered whenever it is necessary in order to receive assistance.

PARTICIPANT(S)STATE AnystateCOUNTY AnycountryCONTRACT NO. 80-RCWP-65**PARTICIPANT(S)**James L. WalshBox 59-A, Anytown, Anystate 21937**I DETAILS OF NON COMPLIANCE**

The livestock exclusion (fencing), Contract Item No. 5 does not meet SCS specifications and cannot be certified for payment.

2 NATURE AND EFFECT OF NON COMPLIANCE WITH PROVISIONS OF CONTRACT (CHECK APPLICABLE BLOCK)

A WARRANTS TERMINATION IF THE CONTRACT-CONTRACT TERMINATED

B DOES NOT WARRANT TERMINATION OF THE CONTRACT-CONTRACT NOT TERMINATED

3 FORFEITURE REFUND OR PAYMENT ADJUSTMENT (SET OUT FOR EACH PARTICIPANT NAMED AT TOP OF PAGE)

The participant, Mr. Walsh, agrees to forfeit all cost-share payment for the fence as installed. The participant intends to reconstruct the fence in accordance with SCS specifications. Cost-share payment will be made for the fence when it is reconstructed to meet SCS specifications.

4 ACCEPTANCE OF PARTICIPANT(S)

THE UNDERSIGNED HEREBY AGREES THAT UNDER THE ABOVE IDENTIFIED CONTRACT HIS FORFEITURE OR REFUND OR PAYMENT ADJUSTMENT SHOWN IN PARAGRAPH 3 ABOVE IS PROPER AND ANY AMOUNTS IN CONNECTION THEREWITH AS INDICATED IN PARAGRAPH 3 ABOVE ARE DUE AND OWING. THE UNDERSIGNED ALSO AGREES TO THE NATURE AND EFFECT OF NON COMPLIANCE SET OUT IN PARAGRAPH 2 OF THIS FORM AND WAIVES THE RIGHT TO ANY FURTHER PROCEEDINGS UNDER THE REGULATIONS GOVERNING CONTRACT VIOLATIONS

/s/ James L. Walsh

(SIGNATURE)

9/15/80

(DATE)

(SIGNATURE)

(DATE)

(SIGNATURE)

(DATE)

(SIGNATURE)

(DATE)

5 APPROVAL/s/ Leonard R. Evans

(CONTRACTING OFFICER)

10/2/80

(DATE)

/s/ John P. Wheeler

(STATE CONSERVATIONIST)

10/14/80

(DATE)

505-88

(14-500/507-(NRCWPM), July 1979)

SUBPART C - CONTRACTING

505.41

§505.41 Notice of contract termination.

**NOTICE OF CONTRACT TERMINATION
RURAL CLEAN WATER PROGRAM**

Name and Address of Participant

Frank R. Clark
(name)

State Anystate

Star Route 2, Box 51

County Anycounty

Brownsville, Anystate 53901
(address)

Contract No. 79-RCWP-7501

You are hereby notified that in accordance with Section 634.31(c), Rural Clean Water Program Regulations, contract number 79-RCWP-7501 is terminated, effective January 18, 1980.

The reason for termination is that the entire operating unit has been transferred by sale before completion of the contract. The landowner or operator purchasing the operating unit will not assume the obligations of said contract.

A refund of cost-share payments made under the terms of the contract is required. You will be informed of the amount of the refund and how it is to be made by the Anystate Soil Conservation Agency.

January 27, 1980
(Date)

By: /s/ Leonard R. Evans
Executive Director
P. O. Box 1976
Clearwater, Anystate 50208

February 5, 1980
(Date)

Approved: /s/ John P. Wheeler
(State Conservationist)
USDA, Soil Conservation Service

When By Mutual Consent:

By: _____
(Date) (Participant)

505.42

§505.42 Notice of partial contract termination.

**NOTICE OF CONTRACT TERMINATION
RURAL CLEAN WATER PROGRAM
(PARTIAL)**

Name and Address of ParticipantFrank R. Clark
(name)State AnystateStar Route 2, Box 51County AnycountyBrownsville, Anystate 53901
(Address)Contract No. 79-RCWP-7501

You are hereby notified that in accordance with Section 634.31(c), Rural Clean Water Program Regulations, contract number 79-RCWP-7501 is terminated, effective January 18, 1980. The remainder of the contract remains in full force and effect.

Fields 2 and 4, 140 acres, Contract Items 5 and 6 for Establishing Cover Crop and Grass Seeding.

The reason for this termination is that fields 2 and 4 have been transferred by sale and the purchaser will not agree to assume the obligations of said contract with respect to the acreage involved.

No cost-share payments have been made for any identifiable units carried out on fields 2 and 4. Loss of acreage will not adversely affect the water quality plan included in the contract. No refund of, or adjustment in, Federal cost-share payments is required.

January 27, 1980
(Date)

By: /s/ Leonard R. Evans
Executive Director
P.O. Box 1976
Clearwater, Anystate 50208

February 3, 1980
(Date)

Approved: /s/ John P. Wheeler
(State Conservationist)
USDA, Soil Conservation Service

When By Mutual Consent:

February 10, 1980
(Date)

By: /s/ Frank R. Clark
(Participant)

SUBPART C - CONTRACTING

505.43

§505.43 Pooling agreement-RCWP

POOLING AGREEMENT - RCWP

We, the undersigned participants, hereby agree to pool our resources to jointly plan for and construct an Erosion Control Dam, the major portion of which will be located on the John H. Doe farm, which is the eighty (80) acres South of State Highway 86 in the central portion of Section Number Nine (9), T & P Ry. Co. Survey Block Three (3), Anycounty, Anystate.

Benefits will be accrued by reductions in land loss and pollutants entering the stream, livestock losses, and reduced terrace maintenance costs. According to an evaluation by the Administering Agency approved by the Soil Conservation Service, benefits will be received as follows: J. D. Black, 87.98 percent; James D. Wood, 3.68 percent; John H. Doe, 3.10 percent; and nonparticipating landowners, 5.25 percent.

Cost sharing under the Rural Clean Water Program will be reduced by the extent of nonparticipating landowners. Cost sharing will be obligated in Rural Clean Water Program contracts in accordance with the above percentage benefits each participant will receive. Cost sharing earned will also be in accordance with percentage of benefits.

We also agree to maintenance responsibilities and agree that John H. Doe, with the assistance of the Administering Agency and the Soil Conservation Service, will be responsible for determining when maintenance is needed. We hereby give John H. Doe authority to take whatever steps are necessary to make arrangements for and carry out maintenance as determined needed. The cost of providing maintenance will be shared as follows:

/s/ J. D. Black, fifty (50) percent
(Name)

/s/ John H. Doe, fifty (50) percent
(Name)

AGREEMENT PARTICIPANTS:

/s/ John N. Doe Date 4-7-80 Contract No. 79-RCWP-9120
(Name)

/s/ J. D. Black Date 4-11-80 Contract No. 79-RCWP-9116
(Name)

/s/ James D. Wood Date 4-15-80 Contract No. 79-RCWP-9140
(Name)

505-91

505.44

§505.44 Contract Check List - RCWP

CONTRACT CHECK LIST - RCWP

NAME(S) OF PARTICIPANTS	ITEMS REVIEWED	DC	CO
A. APPLICATION - SCS-WR-1			
1. Participant is eligible and has control of the land unit for the required contract period.			
2. Priority for participation shown.			
3. Has all or any part of land unit been under a previous RCWP Contract?			
B. WATER QUALITY CONTRACT/SCHEDULE OF OPERATIONS			
1. Period of contract is within 5-10 years			
2. Special provisions included as needed.			
3. Nondiscrimination provisions included, if required.			
4. Participant has signed the contract and has authority to do so.			
5. Water quality plan map included, and shows field numbers, acreage, and land use, etc.			
6. All fields accounted for and acreage agrees with total.			
7. Soil and land capability maps and legends included (as applicable).			
8. BMP's, identifiable units, cost-share rates, and average costs are in accordance with current approved lists of BMP's, cost-share rates, and costs.			
9. Contract item no. assigned for all BMP's.			
10. All essential BMP's scheduled in proper sequence.			
11. Primary purpose for all cost-shared BMP's shown.			
12. Specifications on file for all BMP's.			
13. DC has signed certifying technical adequacy.			
14. SWCD Board has approved and signed.			

REMARKS

Initials of DC _____

Initials of CO _____

Date Checked _____

Date Checked _____

(CO) Contracting Officer for administering agency
(DC) District Conservationist

SUBPART C - CONTRACTING

505,45

§505.45 SCS-CO-154, Summary - Actual Costs of Seed, Trees, and Shrubs.

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SCS-CO 154
REV 5-78
FORM APPROVED
OMB No. 44 R-3655

SUMMARY — ACTUAL COSTS OF SEED, TREES, AND SHRUBS

This information is used in both the development and implementation of a Conservation, Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are: 16 USC 590a (Soil Conservation); 16 USC 1301-1311 (Water Bank); 16 USC 590pb (Great Plains); 30 USC 1236 et seq (Rural Abandoned Mine); 33 USC 1288 at 101 (Rural Clean Water). Furnishing information is voluntary and will be confidential; however, it is necessary in order to receive assistance.

Greenfield Water

STATE Anystate COUNTY Quality Project

SPECIES OF SEED, TREES OR SHRUBS OR OTHER MATERIALS	ACTUAL UNIT COSTS BY SOURCE										
	1		2		3		4		5		Total 6 Total
QUANT ITY	UNIT PRICE	QUANT ITY	UNIT PRICE	QUANT ITY	UNIT PRICE	QUANT ITY	UNIT PRICE	QUANT ITY	UNIT PRICE	QUANT ITY	UNIT PRICE
Lana Vetch (lbs)	500	0.80	200	0.95			415	0.75		1,115	\$901.25
										Ave =	0.81/lb
Red Clover (lbs)	250	3.20	800	1.80	200	2.50		500	2.85	1750	\$4165.00
										Ave =	2.38/lb
Blando Brome (lbs)				100	1.25	500	0.90			600	\$575.00
										Ave =	0.96/lb
Japanese Larch (ea)	5000	0.50		2000	0.60		2000	0.65	9000	\$5000.00	
										Ave =	0.56/ea
Black Locust (ea)		6000	0.85		3000	1.00				14000	\$13,100.00
										Ave =	0.94/ea

COLUMN NUMBER	SOURCE OF COSTS	DATE SECURED
1	William Bros. Feed & Seed, Brownsport, Anystate	10/79 .
2	Commanche County Farm Supply, Elgin, Anystate	8/79
3	Petrelli & O'Rauch General, Buford, Anystate	12/79
4	Hughes Ranch Service, Bixby, Anystate	9/79
5	O'Keefe's Building & Supplies, Atascadero, Anystate	11/79
6		

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(14-500/507-(NRCWPM), July 1979)

505.46

§505.46 SCS-CO-155, Summary - Actual Costs of Installing Practices.

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SCS-CO 155
7-78
FORM APPROVED
OMB No. 40 B 3666

SUMMARY – ACTUAL COSTS OF INSTALLING PRACTICES

RCWP - Fencing (5 ft., 4 strand)

This information is used in both the development and implementation of a Conservation Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are: 16 USC 590a (Soil Conservation) 16 USC 1301-1311 (Water Bank) 16 USC 590p(b) (Great Plains) 16 USC 1236 et seq (Rural Abandoned Mines) 33 USC 1288 et seq (Rural Clean Water). Future information is voluntary and will be confidential unless it is necessary in order to receive assistance.

PRACTICE NUMBER IDENTIFIABLE UNIT OR OTHER COST ITEMS		STATE Anystate			COUNTY Greenfield Water Quality Project	
DATE OF WORK	NAME OR LOCATION	EXTENT		TOTAL COST	UNIT COST	SOURCE OF DATA
		QUANTITY	UNIT			
3/7/79	J. P. Smith Farm	2,000	L.F.	\$1,800	\$0.90	Billings from contractor
5/15/79	Richardson Ranch	750	L.F.	937.50	1.25	Actual Cost Records
6/01/79	Farsons Grove Service	250	L.F.	350.00	1.40	ASCS Records
6/28/79	Jameson Farm	1,200	L.F.	1,140	0.95	Billings from contractor
7/3/79	Levaag Bros.	4,000	L.F.	3,600	0.90	GPCP Contract - Billing from contractor
7/19/79	Peterson & White, Inc.	3,800	L.F.	4,940	1.30	Actual Cost Records
8/20/79	Garry & Sons	10,500	L.F.	12,600	1.20	Billings from contractor
TOTALS		22,500	L.F.	25,367.50	1.13	

Prepared By: Sam R. Cole

Approved By: Leonard R. Evans, Date: 10/29/79
Executive Director

§505.47 BMP list and cost-share rate schedule.

BEST MANAGEMENT PRACTICE LIST AND COST-RATE SCHEDULE FOR THE
RURAL CLEAN WATER PROGRAM

Anystate
State

Greenfield Water Quality Project
RCWP Project

List of Best Management Practices, Cost-share rates, Average Costs, and Specified Maximum Costs for carrying out plans under the Rural Clean Water Program as developed after consultation with the County Coordinating Committee. These average costs are effective as of the date of last signature or December 1, 1979, whichever is later.

RECOMMENDED:

/s/ Leonard R. Evans, Executive Director October 27, 1979
Administering Agency Date

/s/ Earl G. Campbell, Chairman November 5, 1979
Soil Conservation District Date

APPROVED:

/s/ John P. Wheeler, Chairman November 25, 1979
State Rural Clean Water Coordinating
Committee Date

NOTE: Delete any average cost item not used in the project area by lining through and initialing by the AA.

505.47

RCWP Project: Greenfield Water Quality ProjectAverage Cost Year 1979

<u>BMP No.</u>	<u>Description</u>
	Establishment of permanent vegetative cover. (Applicable to land presently in cultivation or land that has been out of cultivation less than 5 years prior to the date of the contract.)

Identifiable Units:

- a. Clearing, grading, shaping, or filling areas in a field to permit use of seeding and mowing equipment.
- b. Seedbed preparation.
- c. Seed, seeding, and fertilizer.

FEDERAL COST-SHARE: _____ percent

AVERAGE COSTS

- 1. Seedbed preparation, dry land per acre.
 - a. _____ for summer fallow
 - b. _____ land preparation, seed,, and seeding a cover crop.
 - c. _____ plow-plant (includes land foul with cheat-grass)
 - d. _____ other seedbed preparation (limited cultivation)
- 2. Seedbed preparation, irrigated land per acre.
 - a. _____ summer fallow
 - b. _____ other seedbed preparation (intensive cultivation, normally includes plowing)
 - c. _____ other seedbed preparation (limited cultivation)
- 3. _____ packing seedbed, per acre.
- 4. Seed and seeding, per acre.

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(14-500/507-(NRCWPM), July 1979)

<u>BMP No.</u>	<u>Description</u>
a.	80 to 100 percent tame (common-commercial species)
b.	80 to 100 percent tame, special purpose (commercial species, identify eligible species)
c.	50 to 80 percent tame (common-commercial species)
d.	25 to 50 percent tame species.
e.	0 to 25 percent tame species.

Overseeding and spot seeding included in above groupings.

5. _____ 1000 sq. ft. for grading, shaping, or fillings with heavy earth-moving equipment in order that farm tillage implements may be used to prepare a seedbed.

6. Fertilizer--See Table I.

Irrigation land leveling

FEDERAL COST-SHARE: _____ percent

- Constructing, enlarging, or sealing dams, pits, or ponds:
Installing or sealing a dam, pit, or pond, for impoundment of water for purposes other than irrigation.

IDENTIFIABLE UNITS:

a. Earth Work and Structures.
b. Sealing or lining.

FEDERAL COST-SHARES:

Wind and Water Erosion Protection _____ percent
Economic Use of Land _____ percent

AVERAGE COSTS

1. Earth work and structures.

a. _____ per cubic yard of earth moved - compacted by earth moving equipment.
b. _____ per cubic yard of earth moved - compacted by specialized equipment.

505.47

- c. _____ per cubic yard of rock excavated.
- d. _____ per square yard cleared for site clearance.
- e. Project average costs listed in Table II for required materials for structures.

2. Sealing or lining.

- a. _____ per pound of refined bentonite used in sealing or lining.
- b. _____ per square foot of asphalt or plastic membrane lining.

505-98

(14-500/507-(NRCWPM), July 1979)

SUBPART C - CONTRACTING

505.48

§505.48 BMP list and cost-share rate schedule, RCWP, supplements 1 and 2.

Supplement No. 1
Greenfield Water Quality
Project, Anystate
(Project)

BEST MANAGEMENT PRACTICE LIST AND COST-SHARE RATE SCHEDULE
RURAL CLEAN WATER PROGRAM

ADD:

Developing springs and seeps.

Cost-share rate: 50 percent

CHANGE:

Initial establishment of field or wind stripcropping.

Increase cost-share rate from 35 to 50 percent

RECOMMENDED:

/s/ Leonard R. Evans, Executive Director May 25, 1980
Administering Agency Date

/s/ Earl G. Campbell, Chairman May 17, 1980
Soil Conservation District Date

APPROVED:

/s/ John P. Wheeler, Chairman June 5, 1980
State Rural Clean Water Coordinating
Committee Date

505-99

(14-500/507-(NRCWPM), July 1979)

505.48

Supplement No 2
Greenfield Water Quality
Project, Anystate
(Project)

BEST MANAGEMENT PRACTICE LIST AND COST-SHARE RATE SCHEDULE
RURAL CLEAN WATER PROGRAM

With the following changes, the average costs for the period October 1, 1978, to September 30, 1979, shall remain in effect for the period October 1, 1979, to September 30, 1980.

RECOMMENDED:

/s/ Leonard R Evans, Executive Director September 15, 1979
Administering Agency Date

/s/ Earl G. Campbell, Chairman September 24, 1979
Soil Conservation District Date

APPROVED:

/s/ John P Wheeler, Chairman September 30, 1979
State Rural Clean Water Coordinating Date
Committee

505-100

(14-500/507-(NRCWPM), July 1979)

SUBPART C - CONTRACTING

505.49

\$505.49 AD-369, Equal Opportunity.

UNITED STATES DEPARTMENT OF AGRICULTURE

EQUAL OPPORTUNITY

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, Ch. 60).)

During the performance of this contract, the Contractor agrees as follows:

- (a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, promotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.
- (b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- (c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

Continued on reverse

FORM AD-369 (REV. 11-68)
FPR (41 CFR) 1-12,803-2

505-101

(14-500/507-(NRCWPM), July 1979)

PART 505 EXHIBITS

505.49

~~AD-369~~ CONTINUED

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance. Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

FORM AD-369 (REV. 11-68) Reverse

505-102

(14-500/507-(NRCWPM), July 1979)

SUBPART C ~ CONTRACTING

505.50

§505.50 SCS-AS-818, Certification of Nonsegregated Facilities.

SCS-AS-818
Rev. 4-70
File Code AS-14

CERTIFICATION OF NONSEGREGATED FACILITIES

(Applicable to federally assisted construction contracts and related sub-contracts exceeding \$10,000 which are not exempt from the Equal Opportunity clause.)

The federally assisted construction contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. The federally assisted construction contractor agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

A. G. Contractor

Contractor

/s/ A. G. Contractor

Signature

Participant
Title

October 20, 1980
Date

505-103

(14-500/507-(NRCWPM), July 1979)

505.51

§505.51 SCS-AS-819, Notice to Prospective Federally Assisted Construction Contractors.

SCS-AS-819
Rev. 2-71

NOTICE TO PROSPECTIVE FEDERALLY ASSISTED CONSTRUCTION CONTRACTORS

(a) A Certification of Nonsegregated Facilities must be submitted prior to the award of a federally assisted construction contract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause.

(b) Contractors receiving federally assisted construction contract awards exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of the following notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause.

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

(a) A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause.

(b) Contractors receiving subcontract awards exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of this notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause.

SUBPART D - FINANCIAL MANAGEMENT

505,60

§505.60 SF-270, Request for Advance or Reimbursement.

**REQUEST FOR ADVANCE
OR REIMBURSEMENT**

REQUEST FOR ADVANCE OR REIMBURSEMENT		APPROVED BY OFFICE OF MANAGEMENT AND BUDGET NO. 80-10183	PAGE 1 OF PAGE 1
(SPECIFICATIONS ON BACK)		1. DATE OF THIS REQUEST	
FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED USAID Soil Conservation Service/College Park, MD		2. BASIS OF REQUEST <input checked="" type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT <input type="checkbox"/> CASH	
& EMPLOYER IDENTIFICATION NUMBER		3. TYPE OF PAYMENT REQUESTED <input type="checkbox"/> FINAL <input checked="" type="checkbox"/> PARTIAL <input type="checkbox"/> ACCRUAL	
123456		4. FEDERAL GRANT OR OTHER CLOSING NUMBER ASSIGNED BY FEDERAL AGENCY Grant No. 2468	
		5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST 11 - 01 - 78	
		6. PERIOD COVERED BY THIS REQUEST FROM (initial date now) TO (initial date next)	
		7. PAYEE (Name of organization or individual who receives funds)	
Name : Southern Maryland Land Commission Number and Street : Box 000 City, State and ZIP Code : Prince Frederick, Maryland 00000			
11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED			
PROGRAMS/FUNCTIONS/ACTIVITIES ➤	(a) Project Area No. 12345	(b) Project Area No. 67890	(c) TOTAL
a. Total program outlays to date (As of date) 10/31/78	\$ 5,000.00	\$ 3,000.00	\$ 8,000.00
b. Less: Cumulative program income	- 0 -	- 0 -	- 0 -
c. Net program outlays (Line a minus line b)	5,000.00	3,000.00	8,000.00
d. Estimated net cash outlays for advance period	4,000.00	3,000.00	7,000.00
e. Total (Sum of lines c & d)	9,000.00	6,000.00	15,000.00
f. Non Federal share of amount on line e	- 0 -	- 0 -	- 0 -
g. Federal share of amount on line e	9,000.00	6,000.00	15,000.00
h. Federal payments previously requested	5,000.00	3,000.00	8,000.00
i. Federal share now requested (Lines g & h minus line h)	4,000.00	3,000.00	7,000.00
j. Advances required by month when requested by Federal grantor agency for use in making pre-scheduled advances	1st month		- 0 -
	2nd month		- 0 -
	3rd month		- 0 -
12. ALTERNATE COMPUTATION FOR ADVANCES ONLY			
a. Estimated Federal cash outlays that will be made during period covered by the advance	\$		
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period			
c. Amount requested (Line a minus line b)	\$		
13. CERTIFICATION			
I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.		SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL FOR ADMINISTERING AGENCY <i>Frank J. Murphy</i>	DATE REQUEST SUBMITTED 11/1/78
		TYPED OR PRINTED NAME AND TITLE Frank J. Murphy - Officer Manager	TELEPHONE AREA CODE / NUMBER EXTENSION 301 221-7890

This space for agency use

APPROVED FOR PAYMENT: J. P. Conner Date 11/5/78
Signature of SCS Approving Official - State Administrative Officer

PART 505 EXHIBITS

505.60

Please type or print legibly. Items 1, 3, 5, 9, 10, 11c, 11e, 11f, 11g, 11i, 12 and 13 are self explanatory; specific instructions for other items are as follows:

Item	Entry	Item	Entry
2	Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis.		use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page.
4	Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency if the advance or reimbursement is for more than one grant or other agreement. Insert N/A, then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement.	11a	Enter in "as of date", the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts) in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contractors, subgrantees and other payees.
6	Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (Institution) code if requested by the Federal agency.	11b	Enter the cumulative cash income received to date if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement.
7	This space is reserved for an account number or other identifying number that may be assigned by the recipient.	11d	Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance.
8	Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested.	13	Complete the certification before submitting this request.
<p>Note: The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports.</p>			
11	The purpose of the vertical columns (a), (b) and (c), is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or activity. If additional columns are needed,	<u>ADDITIONAL INSTRUCTIONS</u>	

1. Enter the name of the applicable Soil Conservation State office.
3. Indicate with an X whether the type of payment requested is:
 - a. An advance, reimbursement or both
 - b. Final or partial
5. Enter the payment request number for this request. Documents shall be numbered consecutively starting with "1." The beginning of a new fiscal year, or rejected payment requests do not affect the sequential numbering of the SF-270.
9. Enter the name and complete mailing address, including the ZIP code for the Administering Agency.
10. Enter the name and complete mailing address, including ZIP code of the payee if it is different than the grantee (Administering Agency) shown in item 9.
- 11c. Line a minus line b.
- 11e. Sum of lines c and d.
- 11f. Non-Federal share of amount of line a.
- 11g. Federal share of amount on line e.
- 11h. Federal payments previously requested.
- 11i. Line g minus line h.
- 11j. Enter "-0-" on each of the lines. Advances shall be requested for not more than a 1-month period.
12. Provide the following information, if applicable: Otherwise leave blank.
 - a. Requests reflecting both a reimbursement and an advance payment- enter the amount included on line 11i, for each type of payment requested.
13. Administering Agency's certification.

ADDITIONAL INFORMATION

- A. All credit figures will be shown in parenthesis ().
- B. Submission: On a monthly or more frequent basis, as needed.
- C. Distribution: Original and one copy to the applicable Soil Conservation Service State office.
One copy to be retained by the Administering Agency.

505.61

§505.61 SF-1194, Authorized Signature Card for Payment Vouchers on Letter of Credit.

AUTHORIZED SIGNATURE CARD FOR PAYMENT VOUCHERS ON LETTER OF CREDIT		Letter of Credit Number 12-10-1800 XXXXXX Regional Disbursing Center
Letter of Credit Issued in Favor of (<i>Recipient</i>) Southern Maryland Land Commission Box 0000 Prince Frederick, Maryland 0000		Issued by (<i>Federal Agency</i>) 12-10-8718 Soil Conservation Service, USDA RM 522 4321 Hartwick Road, College Park, Md. 20740
SIGNATURES OF INDIVIDUALS AUTHORIZED TO DRAW ON THE CITED LETTER OF CREDIT		
Typed Name and Signature J. B. Lewis		<input type="checkbox"/> ONLY ONE SIGNATURE REQUIRED ON PAYMENT VOUCHERS <input checked="" type="checkbox"/> ANY TWO SIGNATURES REQUIRED TO SIGN OR COUNTERSIGN
Typed Name and Signature Sanford A. Mason		Typed Name and Signature Paul O. Young
I CERTIFY THAT THE SIGNATURES ABOVE ARE OF THE INDIVIDUALS AUTHORIZED TO DRAW PAYMENT VOUCHERS FOR THE CITED LETTER OF CREDIT		
10/1/78 <i>Frank J. Smith</i> <small>DATE AND SIGNATURE OF AUTHORIZING OFFICIAL (ักษ)</small>		APPROVED: 10/1/78 <i>Joseph B. Brown</i> <small>DATE AND SIGNATURE OF AGENCY CERTIFYING OFFICER</small>

1104-101

505-107

505.62

§505.62 Treasury regional disbursing offices.

**TREASURY REGIONAL DISBURSING OFFICES AND CENTERS AND THE STATES
SERVICED UNDER THE LETTER OF CREDIT - TREASURY RDO SYSTEM
REVISED JUNE 23, 1977**

LOCATION	STREET ADDRESS	MAILING ADDRESSES	POSITIONS	TELEPHONE NUMBERS	STATES SERVICED
Anchorage, AK	Federal Bldg. Room 274 U.S. Post Office & Court House Anchorage, AK	Anchorage Disbursing Office P.O. Box 1719 ZIP 99518	Asst. Regional Disbursing Officer Regional Disbursing Officer	907-245-5315 907-245-5315	Alaska
Austin, TX	1619 S. Woodlawn St. Austin, TX	Austin Disbursing Center P.O. Box 1907 ZIP 78767	Letter of Credit Control Clerk Chief Accounting Section	734-3751 (PTS) 512-397-7751 734-3751 (PTS) 512-397-7751	Louisiana New Mexico Texas
Birmingham, AL	199 Vulcan Road Birmingham, AL	Birmingham Disbursing Center P.O. Box 2458 ZIP 35201	Letter of Credit Clerk Principal Bookkeeper	229 1966 (PTS) 205 254-1966 229 1966 (PTS) 205 254 1966	Alabama Florida Georgia Mississippi South Carolina Tennessee
Chicago, IL	Room 708 Federal Office Bldg. 516 S. Clark St. Chicago, IL	Chicago Disbursing Center P.O. Box 8670 ZIP 60680	Supervision, Payroll & Acting Section Special Assignment Clerk	351-2354 (PTS) 351-351 2354 351-2350 (PTS) 312 351 2350	Illinois Indiana Michigan Minnesota Wisconsin Kentucky
Denver, CO	812 S. Denver Federal Center Denver, CO	Denver Disbursing Center Bldg. 53 Denver Fed Center ZIP 80215	Letter of Credit Clerk Acting Supervisor	303 234-3611 303 234-3611 303 234-3611	Colorado North Dakota South Dakota Utah Wyoming
Honolulu, HI	3384 Prince Kuhio Federal Bldg. Honolulu, HI	Honolulu Disbursing Office P.O. Box 50011 ZIP 96810	Disbursing Ass't Acting and Disbursing Clerk	808 546 5646 808 546 5646	Hawaii
Kansas City, KS	2100 W. 36th Ave Kansas City, KS	Kansas City Disbursing Center P.O. Box 3329 ZIP 66101	Chief, Payroll and Acting Section Letter of Credit Clerk	758 3625 (PTS) 616 374 3625 758 3625 (PTS) 616 374 3625	Arkansas Iowa Kansas Missouri Nebraska Oklahoma

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SUBPART D - FINANCIAL MANAGEMENT

505.62

STATION	STREET ADDRESS	MAILING ADDRESS	POST. S.	TELEPHONE	STATES SPLIT IN
Philadelphia, PA	5000 Washington Ave. Philadelphia, PA	Philadelphia Disbursing Center P.O. Box 8476 711P 19101	Acting, Mailroom Clerk Supervisor, Acting Section	486 5685 (FTS) 215 951 5695 486 5685 (FTS) 215 951 5695	Connecticut Delaware Maine Rhode Island Massachusetts Plants New England New Jersey Virgin Islands
San Francisco, CA	390 Main St. San Francisco, CA	San Francisco Disbursing Center P.O. Box 3518 711P 94119	Chief Accounting Section Letter of Credit Clerk	556 4204 (FTS) 415 556 4204 556 4204 (FTS) 415 556 4204 (FTS)	Arizona Alabama Utah Montana Arizona Nevada Oregon Washington Oregon
Washington, DC	411 C St., NW. GAO Bldg. Washington, DC	Washington Disbursing Center P.O. Box 1748 711P 20413	Letter of Credit Clerk Supervisor, Accounting Section	566 5141/5149 (FTS) 202 566 5141/5149 566 5141/5149 (FTS) 202 346 5141/5149	District of Columbia Maryland North Carolina Virginia West Virginia

Note: *or temporary/interim

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PART 505 EXHIBITS

505.63

§505.63 SF-1193A, Letter of Credit.

ISSUING AGENCY Soil Conservation Service, USDA 522, 4321 Hartwick Road College Park, Md. 20740	LETTER OF CREDIT Auth: Treasury Department Circular No. 1075, Revised (FOR AGENCY USE)	LETTER-OF CREDIT NUMBER <u>12-10-1800</u> AMENDMENT NUMBER <u>N/A</u> EFFECTIVE DATE <u>October 1, 1978</u>
AGENCY STATION SYMBOL <u>12-10-8718</u>		
TO: Treasury Disbursing Center or Regional Office Regional Disbursing Center Bureau of Government Financial Operations U.S. Department of the Treasury	Address: P.O. Box 1748 Washington, D.C. 20013	

In accordance with the authorization of the Fiscal Assistant Secretary, Department of the Treasury, there is hereby authorized for the account and responsibility of the issuing agency a letter of credit:

IN FAVOR OF: Southern Maryland Land Commission Box 0100 Prince Frederick, Maryland 00000	TREASURY CHECKS TO BE MADE PAYABLE TO: Southern Maryland Land Commission Box 0000 Prince Frederick, Maryland 00000 OR Calvert Bank & Trust Company Prince Frederick, Maryland 00000 (for) Southern Maryland Land Commission Account No. 2345-09-522RB		
AMOUNT AUTHORIZED <u>\$ 200,000.00</u>	TIME DESIGNATION <input type="checkbox"/> EACH FISCAL YEAR <input checked="" type="checkbox"/> WITHOUT TIME LIMIT	PRIOR AUTHORIZATION \$ <u>N/A</u>	THIS CHANGE Increase Decrease \$ <u>N/A</u>

Time Designations: Each Fiscal Year

The unpaid balance of this letter of credit is revoked at the end of each fiscal year and the full amount authorized is reestablished at the beginning of each fiscal year unless you are advised in writing that this letter has been revoked.*
OR

The unpaid balance of this letter of credit is carried forward at the end of each fiscal year and will remain available during the following fiscal year and, in addition, the full amount authorized is reestablished at the beginning of each fiscal year unless you are advised in writing that this letter has been revoked.*

Time Designation: Without Time Limit

The unpaid balance of this letter of credit will remain available until you are advised in writing that this letter has been revoked.*
The amount of this letter of credit is hereby certified to be drawn against, upon presentation to you of Standard Form 183, Request for Payment on Letter of Credit and Status of Funds Report, by the official(s) of the recipient organization whose signature(s) appear(s) on the Standard Form 1194, Authorized Signature Card for Payment Vouchers on Letter of Credit, attached hereto or previously or subsequently furnished you.

The amount of each Request for Payment paid by the Department of the Treasury to the recipient organization at a designated commercial bank shall constitute payment to the recipient organization by the United States.

I certify to the Department of the Treasury that the payments authorized hereon are correct and proper for payment from the appropriations or funds legally committed and available for the purpose, when paid in accordance with the terms and conditions cited above.

*This letter of credit is irrevocable to the extent the recipient organization has obligated funds in good faith thereunder in executing the authorized Federal program in accordance with the grant, contract, or other agreement.

DATE CERTIFIED October 1, 1978

Joe Doe

Joe Doe
AUTHORIZED CERTIFYING OFFICER

Joe Doe, (title as applicable)

TYPED NAME AND TITLE

191-201

ORIGINAL - Federal Program Agency will forward this copy to Treasury
Disbursing Office.STANDARD FORM 1193A
October 1976
PRESCRIBED BY DEPT. OF TREASURY
GPO: 1976 OMB NO. 1170-0001
17FRM 6-2000

505-110

(14-500/507-(NRCWPM), July 1979)

SUBPART D - FINANCIAL MANAGEMENT

505.64

\$505.64 SF-183, Request for Payment on Letter of Credit and Status of Funds Report.

REQUEST FOR PAYMENT ON LETTER OF CREDIT AND STATUS OF FUNDS REPORT			
SECTION I—REQUEST FOR PAYMENT			
AGENCY STATION SYMBOL	LETTER OF CREDIT NUMBER	DOCUMENT NUMBER	AMOUNT REQUESTED
12-10-8718	12-10-0001	1	\$ 40,000.00
NAME AND ADDRESS OF U.S. AGENCY	NAME AND ADDRESS OF DRAWER		FUND BY (Treasury Due Date)
Soil Conservation Service USDA Rm 522, 4321 Hartwick Road College Park, Maryland 20740	Southern Maryland Land Conservancy Box 0000 Prince Frederick, Maryland 00000		
NAME AND ADDRESS OF TREASURY	MAKE TREASURY CHECK PAYABLE TO		VOUCHER APPROVED (Treasury Due Date)
Disbursing Office Regional Disbursing Center Bureau of Gov't Financial Operations U.S. Dept. of the Treasury P.O. Box 1748 Washington, D.C. 20013	Southern Maryland Land Conservancy Box 0000 Prince Frederick, Maryland 00000		CHECK NUMBER (Treasury Due Date)
SECTION II—STATUS OF FEDERAL FUNDS (Must Be Completed By Drawer)			
ITEMS	EST. RELEASED NO. OF DAYS SUPPLY	AMOUNT	
1. FEDERAL FUNDS ON HAND <small>(Balance of Federal Fund Pool)</small>		\$ 2,500.00	
2. ADD ADVANCES RECEIVED FISCAL YEAR TO DATE		0.00	
3. ADD COLLECTIONS RECEIVED AND/OR MISCELLANEOUS RECEIPTS		500.00	
4. SUBTOTAL		1,000.00	
5. LESS ACTUAL DISBURSEMENTS FISCAL YEAR TO DATE		3,000.00	
6. FEDERAL FUNDS ON HAND AT TIME OF THIS REQUEST		0.00	
7. ADD AMOUNT OF THIS REQUEST FOR PAYMENT		\$ 40,000.00	
8. ADD UNPAID REQUESTS FOR PAYMENT PREVIOUSLY SUBMITTED		0.00	
9. TOTAL		\$ 40,000.00	Treasury Due Date
10. OUTSTANDING ADVANCES TO SUB-GRAANTEES—NUMBER —0— TOTAL \$ —0—			
SECTION IIIA—REMARKS (Drawer's Use)			
SECTION III—CLASSIFICATION OF THE AMOUNT OF THIS REQUEST (Must Be Completed By Drawer)			
PROGRAM GRANT NO. OR OTHER IDENTIFYING NO.	AMOUNT	PROGRAM GRANT NO. OR OTHER IDENTIFYING NO.	AMOUNT
* Project Area No. 11345	\$ 20,000.00		
* Project Area No. 67891	\$ 10,000.00		
* Project Area No. 24689	\$ 10,000.00		
*(Identifying number as assigned by the Administering Agency)			
TOTAL (Must Agree with Amount of This Request for Payment) \$ 40,000.00			
SECTION IV—CERTIFICATION (Must Be Completed By Drawer)			
I certify that this Request for Payment has been drawn in accordance with the terms and conditions of the Letter of Credit cited and that the amount for which drawn is proper for payment to the drawer or for credit to the account of the drawer at the drawer's bank. I also certify that the data reported above is correct and that the amount of the Request for Payment is not in excess of current needs.			
DATE	SIGNATURE	TITLE	
Oct. 7, 1978	J. B. Lewis	Accountant	
DATE	COUNTERSIGNATURE	TITLE	
Oct. 7, 1978	Sanford A. Mason	Office Manager	
Standard Form 183 December 1971 GSA GEN. REG. NO. 27-3000		ORIGINAL—Drawee will forward this copy to Treasury Disbursing Office.	
SCSDS SUBTITLE B		103-101	
		GSA GEN. REG. NO. 27-3000	

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505.64

PREPARATION OF SF-183

THE GRANTEE WILL PREPARE ONE (1) 5-PART SET OF SF-183 FOR EACH REQUEST FOR PAYMENT UNDER A LETTER OF CREDIT.

- (1) Enter the eight-digit agency accounting location code as shown on the related SF-1193A, Letter of Credit
- (2) Enter the eight-digit letter of credit number as shown on the related SF-1193A.
- (3) Enter the appropriate document number. Documents will be numbered consecutively starting with "1". Amendments to the letter of credit, the beginning of a new fiscal year, or rejected payment requests do not effect the sequential number of the SF-183.
- (4) Enter the total amount of this request for payment.
- (5) Enter the name and address of the applicable SCS State Office that issued the letter of credit
- (6) Enter the name and address of the grantee. This information must be identical to that entered in the block "IN FAVOR OF" on the related SF-1193A.
- (7) Enter the name and address of the Treasury Regional Disbursing Office servicing the letter of credit
- (8) Enter the information shown in the block "TREASURY CHECKS TO BE MADE PAYABLE TO" on the related SF-1193A.
- (9) Enter the total amount of undisbursed Federal funds in the hands of the grantee on the first day of the current fiscal year. These funds relate solely to the program(s) covered in the SCS letter of credit. The amount includes all funds on deposit with a commercial bank or maintained as imprest funds (petty cash) and received but undeposited Treasury checks. During the first fiscal year the amount in this block would be zero.
- (10) Enter the total amount of all advances of Federal funds received through the SCS letter of credit during the current fiscal year. Do not reduce this entry by the amount of excessively drawn Federal funds refunded to SCS
- (11) Enter the total amount of all collections, refunds, and/or miscellaneous receipts of Federal funds received during the current fiscal year. Examples of items to be included in this amount are:
 - (a) Federal funds advanced to a secondary recipient and, subsequently, determined to be in excess of immediate disbursement needs, which have been returned to the grantee.
 - (b) Proceeds from the sale of goods and/or services.
 - (c) Interest earned on Federal funds.
- (12) Enter the total amount of Federal funds actually disbursed during the current fiscal year, including advances to secondary recipients and refunds to SCS.
- (13) Enter the estimated number of workdays until the amount reported in item (14) will be disbursed. This estimate includes the day on which this request for payment is prepared but does not include the day on which the funds will be disbursed. For example, if the request

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for payment is prepared on a Tuesday and the grantee expects to disburse the Federal funds on hand on the same day it is preparing the request for payment, this represents a zero days supply of Federal funds.

(14) Enter the amount reported on line 4 less the amount reported on line 5.

(15) Enter the estimated number of workdays from the estimated day of receipt until the amount requested on item (16) will be disbursed. This estimate includes the expected day of receipt, but does not include the day of disbursement. For example, if the grantee expects to receive the Federal funds requested on a Friday and disburses these funds on Monday of the following week, this represents a 1-day supply of Federal funds, assuming Saturday and Sunday are not workdays.

(16) Enter the total amount of this request for payment

(17) Enter the total amount of the request(s) for payment which have been submitted, but for which the grantee has not yet received payment.

(18) Enter the sum of the amounts reported on items (14), (16), and (17).

(19) Enter the number of subgrantees maintaining the outstanding balances reported on item (20) of this request for payment.

(20) Enter the difference between the total amount of Federal funds advanced to secondary recipients and the total amount of Federal funds disbursed by secondary recipients under the SCS letter of credit.

(21) Enter a breakdown of the total dollar amount of this request for payment into categories as prescribed by SCS. The total of this section must be the same as the "AMOUNT REQUESTED" under item (4) and the "AMOUNT OF THIS REQUEST FOR PAYMENT" under item (16).

(22) Only the designated official(s) of the grantee authorized to certify requests for payment on the SF-1194, Authorized Signature Card, may certify the SF-183.

DISTRIBUTION OF SF-183

(1) The grantee will forward the original, duplicate, and quintuplicate to the Treasury Regional Disbursing Office servicing the letter of credit and named in item (7).

(2) The triplicate will be forwarded to the SCS State Office.

(3) The quadruplicate copy will be retained by the grantee.

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\$505.65 SF-272, Federal Cash Transactions Report.

FEDERAL CASH TRANSACTIONS REPORT		Approved by Office of Management and Budget No. B-101a/ 1. For all sponsor agency and organizational element to which this report is submitted USDA	
(See instructions on the back If report is for more than one grant or assistance agreement, attach completed Standard Form 272-A)		Soil Conservation Service College Park, Maryland	
2. RECIPIENT ORGANIZATION		4. Federal grant or other identification number 5. Recipient's account number or identification number N/A	
Name	Southern Maryland Land Commission	6. Letter of credit number N/A	7. Last payment voucher number -
Number and Street	Box 0000	Give total number for this period	
City, State and ZIP Code	Prince Frederick, Maryland 00000	8. Payment Vouchers credited to your account -	9. Treasury checks received (whether or not deposited) -
3. FEDERAL EMPLOYER IDENTIFICATION NO. >		10. PERIOD COVERED BY THIS REPORT	
		FROM (month, day, year) 12 - 01 - 79	TO (month, day, year) 12 - 31 - 79
11. STATUS OF FEDERAL CASH (See specific instructions on the back)	a. Cash on hand beginning of reporting period	\$ 10,452.80	
	b. Letter of credit withdrawals	- 0 -	
	c. Treasury check payments	15,000.00	
	d. Total receipts (Sum of lines b and c)	15,000.00	
	e. Total cash available (Sum of lines a and d)	25,452.80	
	f. Gross disbursements	20,192.50	
	g. Federal share of program income	- 0 -	
	h. Net disbursements (Line f minus line g)	20,192.50	
	i. Adjustments of prior periods	- 0 -	
	j. Cash on hand end of period	\$ 5,260.30	
12. THE AMOUNT SHOWN ON LINE 11J, ABOVE, REPRESENTS CASH REQUIREMENTS FOR THE ENSUING Days	13. OTHER INFORMATION		
	a. Interest income	\$ - 0 -	
	b. Advances to subgrantees or subcontractors	\$ - 0 -	
14. REMARKS (Attach additional sheets of plain paper, if more space is required) Cash on hand \$5,260.30			
\$ 4,873.20 Unpaid Vouchers 387.10 Unobligated funds, over estimated.			
15. CERTIFICATION			
I certify to the best of my knowledge and belief that this report is true in all respects and that all disbursements have been made for the purpose and conditions of the grant or agreement	AUTHORIZED CERTIFYING OFFICIAL	SIGNATURE John P. Wilson <i>John P. Wilson</i>	DATE REPORT SUBMITTED January 10, 1980
		TYPED OR PRINTED NAME AND TITLE John P. Wilson, Financial Mgr.	(Administering Agency)
THIS SPACE FOR AGENCY USE	TELEPHONE	(Area Code) 123	(Number) 456-7890
			(Extension) 102

SCS Review
Date 1/10/80
272-101

Paul Fisher
Signature & Title
Financial Mgr.

STANDARD FORM 272 (7-76)
Prescribed by Office of Management and Budget
Gir. No A-110

505-114

(14-500/507-(NRCWPM), July 1979)

INSTRUCTIONS

Please type or print legibly Items 1, 2, 8, 9, 10, 11d, 11e, 11h, and 15 are self explanatory, specific instructions for other items are as follows:

Item	Entry	Entry	Item
3	Enter employer identification number assigned by the U.S. Internal Revenue Service or the FICE (institution) code.		employee's share of benefits if treated as a direct cost, interdepartmental charges for supplies and services, and the amount to which the recipient is entitled for indirect costs.
	If this report covers more than one grant or other agreement, leave items 4 and 5 blank and provide the information on Standard Form 272-A, Report of Federal Cash Transactions—Continued, otherwise.		11g Enter the Federal share of program income that was required to be used on the project or program by the terms of the grant or agreement.
4	Enter Federal grant number, agreement number, or other identifying numbers if requested by sponsoring agency.		11i Enter the amount of all adjustments pertaining to prior periods affecting the ending balance that have not been included in any lines above Identify each grant or agreement for which adjustment was made, and enter an explanation for each adjustment under "Remarks" Use plain sheets of paper if additional space is required
5	This space reserved for an account number or other identifying number that may be assigned by the recipient.		11j Enter the total amount of Federal cash on hand at the end of the reporting period This amount should include all funds on deposit imprest funds, and undeposited funds (line e, less line h, plus or minus line i).
6	Enter the letter of credit number that applies to this report If all advances were made by Treasury check, enter "NA" for not applicable and leave items 7 and 8 blank.		12 Enter the estimated number of days until the cash on hand, shown on line 11j, will be expended If more than three days cash requirements are on hand provide an explanation under "Remarks" as to why the drawdown was made prematurely, or other reasons for the excess cash The requirement for the explanation does not apply to prescheduled or automatic advances
7	Enter the voucher number of the last letter of credit payment voucher (Form TUS 5401) that was credited to your account		13a Enter the amount of interest earned on advances of Federal funds but not remitted to the Federal agency If this includes any amount earned and not remitted to the Federal sponsoring agency for over 60 days, explain under "Remarks" Do not report interest earned on advances to States
11a	Enter the total amount of Federal cash on hand at the beginning of the reporting period including all of the Federal funds on deposit imprest funds, and undeposited Treasury checks		13b Enter amount of advance to secondary recipients included in item 11h.
11b	Enter total amount of Federal funds received through payment vouchers (Form TUS 5401) that were credited to your account during the reporting period		14 In addition to providing explanations as required above, give additional explanation deemed necessary by the recipient and for information required by the Federal sponsoring agency in compliance with governing legislation Use plain sheets of paper if additional space is required
11c	Enter the total amount of all Federal funds received during the reporting period through Treasury checks, whether or not deposited		
11f	Enter the total Federal cash disbursements, made during the reporting period, including cash received as program income Disbursements as used here also include the amount of advances and payments less refunds to subgrantees or contractors, the gross amount of direct salaries and wages, including the		

ADDITIONAL INSTRUCTIONS

1. Enter the cognizant Soil Conservation Service State Office to whom the report is being sent.
2. Enter the name and complete address of the Administering Agency, including the Zip code.
3. Enter the total number of letter of credit payment vouchers which were credited to your account during the reporting month. If all Federal funds received were by Treasury check, enter "N/A" for not applicable.

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STANDARD FORM 272 INSTRUCTIONS CONTINUED

9. Enter the total number of Treasury checks received during the reporting month whether or not deposited. If all Federal funds received were through payment vouchers (Standard Form 270) enter "N/A" as not applicable.
10. Enter the month, day and year of the beginning and ending dates of the month covered by this report.
- 11a. This amount should equal line 11j. from the previous month's report.
15. Certification by the Administering agency.

ADDITIONAL INFORMATION

- A. One report is prepared by the Administering agency.
- B. All credit figures will be shown in parenthesis ().
- C. Due Date: Monthly, on the 15th day of the following month.
- D. Distribution: Original and one copy to the cognizant Soil Conservation Service State Office. Copy to be retained by the Administering agency.

NOTE: Standard Form 272, will be reviewed as to cash requirements of the Administering agency. The form will be dated and signed by the SCS reviewer.

SUBPART D - FINANCIAL MANAGEMENT

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**FEDERAL CASH TRANSACTIONS REPORT
CONTINUATION**

(This form is completed and attached to Standard Form 272 only when reporting more than one grant or assistance agreement.)

2. RECIPIENT ORGANIZATION (Give name only as shown in Item 2, SF 822)

Southern Maryland Land Commission
P. O. Box 00000
Prince Frederick, Maryland 00000

Approved by Office of Management and Budget No. 80-RO182

FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED

USDA - Soil Conservation Service
College Park, Maryland

3. PERIOD COVERED BY THIS REPORT (As shown on SF 872)

FROM (month, day, year) **TO** (Month, day, year)

$$12 - 01 = 79 \quad 12 - 31 = 79$$

4. List information below for each grant or other agreement covered by this report. Use additional forms if more space is required.

**FEDERAL GRANT OR OTHER
IDENTIFICATION NUMBER**

**RECIPIENT ACCOUNT NUMBER
OR OTHER
IDENTIFYING NUMBER**

FEDERAL SHARE OF NET DISBURSEMENTS

**CUMULATIVE
NET DISBURSEMENTS**

(Show a subdivision by other identifying numbers if required by the Federal Sponsoring Agency)

RCWP - 12345

RCA - 678

**NET DISBURSEMENTS (Gross
disbursements less program in-
come received) FOR REPORTING
PERIOD**

**CUMULATIVE
NET DISBURSEMENTS**

5. TOTALS (Should correspond with amounts shown on SF 272 as follows column (c) the same as line 11h column (d) the sum of lines 11h and 11i of this SF 272 and cumulative disbursements shown on last report. Attach explanation of any differences.) \$ \$

26,404.90	26,404.90
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PART 505 EXHIBITS

505.66

§505.66 SF-269, Financial Status Report.

FINANCIAL STATUS REPORT		Element 10 in Element 9 of Form 100-17-763 (Follow instructions on the back)		Element 10 in Element 9 of Form 100-17-763 when report is submitted		Element 10 in Element 9 of Form 100-17-763 when report is submitted	
1. Reporting Organization (Name and number when, where, and why established)		U.S.D.A.		No. 12-10-0001		No. 00-01010	
2. Reporting Organization (Name and number when, where, and why established)		Soil Conservation Serv Co		Contract No. 123456		7 BARS	
3. Reporting Organization (Name and number when, where, and why established)		4. Envelope Identification Number		5. Account Account Number and Contract No.		6. Final Report VER [] NO [] RECORDED ON FORM 100-17-763 TO WHICH THIS REPORT REFERS	
4. Envelope Identification Number		IRS 00000		6. Account Account Number and Contract No.		7 BARS	
5. Reporting Organization (Name and number when, where, and why established)		10-01-78		7. Report Date		8. Date Received	
6. Reporting Organization (Name and number when, where, and why established)		10 (month day year)		9. Month Day Year		10 (month day year)	
7. Reporting Organization (Name and number when, where, and why established)		12-31-83		11. Month Day Year		12-31-78	
10. No.		PROGRAM/FUNCTIONS/ACTIVITIES		12. Project Area		13. Status of Funds	
(a) Project Area		(b) Project Area		(c) Project Area		(d) Project Area	
No. 12345		No. 67891		No. 6089		No. 12345	
e. Net activity previously reported		\$ - 0 -		\$ - 0 -		\$ - 0 -	
f. Total outlays this report period		40,500.00		20,000.00		20,000.00	
g. Program Income credits		-500.00		- 0 -		- 0 -	
h. Net outlays this report period		40,000.00		20,000.00		20,000.00	
i. Net outlays this report period (Line 12 minus Line 11)		40,000.00		20,000.00		20,000.00	
j. Net outlays to date (Line 12 less J)		- 0 -		- 0 -		- 0 -	
k. Non Federal share of outlays		40,000.00		20,000.00		20,000.00	
l. Total Federal share of outlays (Line 12 minus Line 11)		10,000.00		5,000.00		5,000.00	
m. Total undisbursed obligations		- 0 -		- 0 -		- 0 -	
n. Non Federal share of undisbursed obligations shown on line k		10,000.00		5,000.00		5,000.00	
o. Federal share of undisbursed obligations		50,000.00		25,000.00		25,000.00	
p. Total Federal share of outlays and undisbursed obligations		100,000.00		50,000.00		50,000.00	
q. Total cumulative amount of Federal funds authorized		50,000.00		25,000.00		25,000.00	
r. Unobligated balance of Federal funds		25,000.00		25,000.00		25,000.00	
s. Type of Rate (Place "1" in appropriate box)		<input type="checkbox"/> PROPORTIONAL		<input checked="" type="checkbox"/> PERCENTAGE		<input type="checkbox"/> RATE	
t. Corrective action taken		1. RATE		2. TOTAL AMOUNT		3. PERIOD	
u. REQUIRES		3%		4,000.00		1/15/79	
v. ATTACHED		ATTACH AND STATEMENT OF INFORMATION OR AUTHORITY RECEIVED BY FEDERAL AGENCIES PERTAINING TO THE USE OF FUNDS		STATEMENT OF INFORMATION OR AUTHORITY RECEIVED BY FEDERAL AGENCIES PERTAINING TO THE USE OF FUNDS		TELEPHONE NUMBER AND TITLE NUMBER AND CIRCUITS	
w. SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL						SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	
x. DATE REPORT SUBMITTED						DATE REPORT SUBMITTED	
y. 1/15/79						1/15/79	
z. TELEPHONE NUMBER AND CIRCUITS						TELEPHONE NUMBER AND CIRCUITS	
aa. 000-000-000						000-000-000	

INSTRUCTIONS

Please type or print legibly Items 1, 2, 3, 6, 7, 9, 10d, 10e, 10g, 10i, 10l, 11a, and 12 are self explanatory, specific instructions for other items are as follows.

Item	Entry	Item	Entry
4	Enter the employer identification number assigned by the U.S. Internal Revenue Service or FICE (institution) code, if required by the Federal sponsoring agency	10c	Enter the amount of all program income realized in this period that is required by the terms and conditions of the Federal award to be deducted from total project costs. For reports prepared on a cash basis enter the amount of cash income received during the reporting period. For reports prepared on an accrual basis, enter the amount of income earned since the beginning of the reporting period. When the terms or conditions allow program income to be added to the total award, explain in remarks, the source, amount and disposition of the income
5	This space is reserved for an account number or other identifying numbers that may be assigned by the recipient.	10f	Enter amount pertaining to the non Federal share of program outlays included in the amount on line e.
8	Enter the month, day, and year of the beginning and ending of this project period. For formula grants that are not awarded on a project basis, show the grant period.	10h	Enter total amount of unliquidated obligations for this project or program, including unliquidated obligations to subgrantees and contractors. Unliquidated obligations are:
10	The purpose of vertical columns (a) through (f) is to provide financial data for each program, function and activity in the budget as approved by the Federal sponsoring agency. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the totals of all programs, functions or activities should be shown in column (g) of the first page. For agreements pertaining to several Catalog of Federal Domestic Assistance programs that do not require a further functional or activity classification breakdown, enter under columns (a) through (f) the title of the program. For grants or other assistance agreements containing multiple programs where one or more programs require a further breakdown by function or activity, use a separate form for each program showing the applicable functions or activities in the separate columns. For grants or other assistance agreements containing several functions or activities which are funded from several programs, prepare separate form for each activity or function when requested by the Federal sponsoring agency.		Cash basis—obligations incurred but not paid. Accrued expenditure basis—obligations incurred but for which an outlay has not been recorded. Do not include any amounts that have been included on lines a through g. On the final report, line h should have a zero balance.
10a	Enter the net outlay. This amount should be the same as the amount reported in Line 10e of the last report. If there has been an adjustment to the amount shown previously, please attach explanation. Show zero if this is the initial report.	10j	Enter the Federal share of unliquidated obligations shown on line h. The amount shown on this line should be the difference between the amounts on lines h and x.
10b	Enter the total gross program outlays (less rebates, refunds, and other discounts) for this report period including disbursements of cash realized as program income. For reports that are prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expense charged, the value of in kind contributions applied, and the amount of cash advances and payments made to contractors and subgrantees. For reports prepared on an accrued expenditure basis outlays are the sum of actual cash disbursements, the amount of indirect expense incurred, the value of in kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contractors, subgrantees, and other payees.	10k	Enter the sum of the amounts shown on lines g and j. If the report is final the report should not contain any unliquidated obligations.
		10m	Enter the unobligated balance of Federal funds. This amount should be the difference between lines k and l.
		11b	Enter rate in effect during the reporting period.
		11c	Enter amount of the base to which the rate was applied
		11d	Enter total amount of indirect cost charged during the report period.
		11e	Enter amount of the Federal share charged during the report period.
			If more than one rate was applied during the project period, include a separate schedule showing bases against which the indirect cost rates were applied, the respective indirect rates the month, day and year the indirect rates were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date.

ADDITIONAL INFORMATION

- A. All credit figures will be shown in parenthesis ().
- B. Due Date: Quarterly, within 30 days after end of quarter. Final reports are due 90 days after end of grant period or after completion.
- C. Distribution: Original and one copy to applicable Soil Conservation State Office.

One copy to be retained by Administering Agency.

PART 505 EXHIBITS

505.67

§505.67 Daily status of Federal funds report

DAILY STATUS OF FEDERAL FUNDS REPORT
FOR THE MONTH ENDED September, 19 78Federal Program Agency. USDA - Soil Conservation ServiceRecipient Organization: Maryland State OfficeAgency Location Code: 12-10-8718

Date	Federal Funds Received	Federal Funds Disbursed	Actual Cash Amo ⁿ of Federal Funds on Hand
	Ending Balance of Previous Month		
1	\$15,000.00	\$17,000.00	11,914.67
2		9,500.00	1,514.67
3			1,514.67
4			1,514.67
5			1,514.67
6	17,500.00	18,900.00	114.67
7			114.67
8			114.67
9			114.67
10			114.67
11			114.67
12	14,900.60	14,900.60	115.27
13			115.27
14			115.27
15	12,165.00	6,000.00	6,230.27
16		5,300.00	980.27
17			980.27
18			980.27
19	2,156.00	2,900.00	236.27
20			236.27
21	10,000.00	9,100.00	1,136.27
22			1,136.27
23		951.88	184.39
24			184.39
25			184.39
26			184.39
27			184.39
28	12,099.20		12,281.29
29		11,990.00	291.39
30			291.39
31			
(7) Total	\$ 83,820.60	\$ 99,511.88	\$ 791.19
(8)	Estimated number of days until cash on hand at end of month is expended.		

Prepared by:	Typed Name and Title	Date
<u>W. O. Wilson</u>	W. O. Wilson, President	
Authorized Official (Recipient) <u>Thomas S. Schmidt</u>	Typed Name and Title Thomas S. Schmidt, V.P.	Date

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PREPARATION OF DAILY STATUS OF FEDERAL FUNDS

- (1) Enter the month for which the report is requested by Treasury.
- (2) Enter "USDA - Soil Conservation Service."
- (3) Enter the name of the grantee.
- (4) Enter the agency location code (12-10-87XX).
- (5) Enter Federal funds received. This includes payments by letter of credit, direct Treasury check, and/or refunds and receipts, whether or not deposited.
 - (6) Enter actual ending cash balance from previous month.
 - (7) Enter total of Federal funds received and Federal funds disbursed during the month and cash on hand at the end of the month.
 - (8) Enter the estimated number of days until the cash on hand at the end of the month will be expended by the grantee.
 - (9) Enter signature of individual preparing the report with typed name and title and date prepared.
 - (10) Enter signature of authorized official of grantee organization with typed name and title and date signed.

PART 505 EXHIBITS

505.68

§505.68 SCS-BF-141, Application for Payment.

U.S. DEPARTMENT OF AGRICULTURE Soil Conservation Service				SCS-BF-141 (11-78)	STATE (2)	Form Approved GMD No. 4405-6-1				
APPLICATION FOR PAYMENT (1)				AGREE / CONTRACT NO. (3)	PAYMENT APPLICATION NO. (4)					
Penalty for false statements or entries - fine of not more than \$10,000 or imprisonment of not more than five years, or both (18 USC 1001)				LOCATION CODE NO. (5)	COUNTY (6)					
<p><i>This information is used in both the development and implementation of a Conservation plan as the basis for technical assistance and/or cost sharing. The authorities are 16 USC 590a(f) (Soil Conservation), 16 USC 1301-1311 (Water Bank), 16 USC 590p(b) (Great Plains), 30 USC 1201 et seq (Rural Abandoned Mines), 33 USC 1288 et seq (Rural Clean Water). Furnishing this information, INCLUDING disclosure of your Social Security Number (SSN) under PL 93-579, Section 7b, is voluntary and will be held confidential; however, it is necessary to obtain services and benefits you are seeking. The SSN is used as an identifier by the Soil Conservation Service to report to the Internal Revenue Service amounts paid under the terms of this agreement/contract. It will also be used in connection with lawful requests by other Federal agencies providing technical assistance under the terms of this agreement/contract.</i></p>										
SPECIFIED CONSERVATION PRACTICES PERFORMED										
LINE	FIELD NO.	AGREE./ CONTRACT ITEM NO.	PRACTICE AND IDENTIFIABLE UNIT (8)	PRACTICE UNITS COMPLETED (9)	DATE STARTED (10)	DATE COMPLETED (11)	EXTENT (12)	AVERAGE COST \$ (13)	COST SHARE % (14)	AMOUNT EARNED \$ (15)
1		(7)								
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
								TOTAL EARNED (16)		
DIVISION OF PAYMENT BETWEEN PARTICIPANTS										
15. Did the State or Federal Government bear any part of this expense?				YES <input type="checkbox"/>	NO <input type="checkbox"/>	HOW MUCH	YES <input type="checkbox"/>	NO <input type="checkbox"/>	HOW MUCH	
PARTICIPANTS' CERTIFICATIONS				PARTICIPANT 1		PARTICIPANT 2				
16. Deductions (SCS State office or AA) Authorizations for Materials/Services				LINE	% SHARE (17)	PAYOUT SHARE (18)	LINE	% SHARE	PAYOUT SHARE	
17. Debts due the Federal Government						(19)				
18. State and Federal aid										
19. Other						(20)				
20. Net payment due participant						(21)				
<p>I (We) certify that the above information is true and correct; and that the identifiable unit(s) for which Federal cost share is requested are carried out and performed in accordance with the specifications and provisions of the above-numbered agreement/contract; that if more than one person contributed to the carrying out of the identifiable unit(s), as shown above, the cost share will be divided in proportion to the extent which they contributed to the carrying out of the identifiable unit(s). I (We) also certify that this application contains no duplication of payment under any other program of the U. S. Department of Agriculture.</p>										
PARTICIPANT 1 SOCIAL SECURITY NO.		NAME		PARTICIPANT 2 SOCIAL SECURITY NO.		NAME				
ADDRESS (22)				ADDRESS						
SIGNATURE (23)		DATE (24)		SIGNATURE		DATE				
CERTIFICATION BY DISTRICT CONSERVATIONIST										
<p>I certify that the practice (identifiable unit) specified in the above application has been properly carried out, and meets the standards and specifications of the above numbered agreement/contract.</p>					FOR USE BY AA OR ASC COUNTY COMMITTEE ONLY					
<p>SIGNATURE (25)</p>					<p>I certify to the best of my knowledge and belief this application contains no duplication of payment under any program of the U.S. Department of Agriculture administered by ASCS and the participant is not shown on the county claim control record as being indebted to the government except as explained on the reverse side.</p>					
DATE				SIGNATURE (26)		DATE				
(27)										

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**INSTRUCTIONS
PREPARATION AND PROCESSING**

Form SCS-BF-141 - APPLICATION FOR PAYMENT

COPIES REQUIRED: Original and three when there is only one participant.
Additional copies to be prepared as required to provide a copy to each participant.

SIGNATURES: Only the original copy need be signed manually.

DISTRIBUTION: Original and all copies shall be forwarded to the AA. Distribution of copies to field office and participant shall be made after application has been scheduled for payment.

PREPARATION: Upon request, the DC may assist participant in preparing application. When such assistance is given, the DC must be sure the participant understands the application before affixing his signature.

Following is an explanation of the information to be recorded on the application.

- (1) Enter "RURAL CLEAN WATER PROGRAM."
- (2) The State in which the land unit is located.
- (3) The number assigned to the contract under which application for payment is requested.
- (4) The number of the payment application. Each Form SCS-BF-141 submitted by the participant under a contract shall be numbered consecutively as received.
- (5) The location code number is to be assigned by the AA.
- (6) The county in which the land unit is located.
- (7) Contract item number as it appears in the contract for which payment is requested.
- (8) The practice or identifiable unit as shown in the contract and the applicable SCS progress code assigned to the practice.
- (9) The number or amount for the practice unit when it becomes reportable.
- (10) Date the practice or identifiable unit was begun.
- (11) Date the practice or identifiable unit was completed.
- (12) Extent (quantity and unit of measurement) of the practice or identifiable unit actually applied.
- (13) The average cost as shown in the contract or the average cost current at the time the practice or identifiable unit was begun. When payment is to be made on the basis of actual cost not to exceed the average cost, the SCS-BF-141 must be supported by invoices, receipts, etc.

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- (14) The cost-share rate (percentage) specified in the contract for the practice.
- (15) The amount earned by the participant for the practice or identifiable unit (the product of (13), (14), and (15)).
- (16) Total amount earned by the participant for all items listed.
- (17) The percent share of amount earned (16) claimed by each participant. Show by line only where applicable. The single form is designed for a division of payments to two participants where applicable. If there are more participants involved, use the "Division of Payment Between Participants" portion of as many additional copies of Form SCS-BF-141 as are necessary.
- (18) Amount to be deducted for materials and/or services furnished to the participant by a vendor.
- (19) Amounts to be deducted for debts due the Federal Government.
- (20) Amounts of any other deductions required to be made due to errors in computations, change in average costs, or for any other legitimate reason. This is to be done by the AA.
- (21) Net amount of cost share approved for payment to the participant.
- (22) Name, address, and social security number of participant.
- (23) Signature of the participant.
- (24) Date signed by the participant.
- (25) Signature and date certified by DC as to performance with specifications and compliance with provision of the contract.
- (26) The DC will assure that ASCS has certified on the SCS-BF-141 the participant's status on the County Claim Control Record.
- (27) Approval for payment by AA.

SUBPART D - FINANCIAL MANAGEMENT

505.69

§505.69 SCS-BF-140, Authorization for Materials or Services.

Form Approved - OMB No. 40-R-4054

(14-500/507-(NRCWPM), July 1979)

505.69

INSTRUCTIONS
PREPARATION AND DISTRIBUTION

Form SCS-BF-140 - AUTHORIZATION FOR MATERIALS OR SERVICES

COPIES REQUIRED: Original and four (4).

IDENTIFICATION: Identify copies at the bottom of the form as follows: (1) Original, (2) Receiving Report, (3) Participant's copy, (4) AA Contract copy, (5) FO Contract copy.

DISTRIBUTION:

Original - to participant for delivery to vendor or contractor.
Information in Blocks 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 are not to be completed on original copy of SCS-BF-140.

Receiving Report - to participant after delivery of materials or services to be received by participant and forwarded to AA for certification and transmittal to AA.

Participant's copy - to participant for his file.

AA Contract copy - to AA.

FO copy - to FO.

PREPARATION: Following is an explanation of the information to be recorded on the authorization.

- (1) Enter "RURAL CLEAN WATER PROGRAM."
- (2) The State in which the land unit is located.
- (3) The county in which the land unit is located.
- (4) The number assigned to the contract under which authorization for purchase of materials or services is issued.
- (5) Number assigned the SCS-BF-140. (Number consecutively beginning with the number 1.)
- (6) The location code number to be assigned by the AA.
- (7) The name and address of the participant.
- (8) The name and address of the vendor to furnish the materials or services.
- (9) The name and address of AA to which bills for materials or services are to be rendered.
- (10) Date on which delivery must be completed by the vendor.
- (11) Signature of the AA.
- (12) Date the SCS-BF-140 is approved by the AA.
- (13) Contract item number as shown on the water quality plan.

- (14) Materials or services for which payments will be made to the vendor by the Service. Show delivery instructions and specifications for each item. If space is insufficient, specifications may be shown on reverse or on an attachment.
- (15) Unit of measurement such as acre, pound, ft., cu. yd., etc.
- (16) Quoted sales price per unit.
- (17) The authorized quantity of each of the materials or services in (14).
- (18) The total cost authorized for each material or service in (14).
- (19) Average cost per unit as shown in the contract. If the average cost of the contract item involved is decreased or increased before materials or services are placed "on the land" an appropriate cost-sharing adjustment must subsequently be made with the landuser on Form SCS-BF-141.
- (20) Cost-share rate as specified in the contract for the contract item.
- (21) Amount of cost share for AA and computed as of the date SCS-BF-140 is issued (Col. 17 x 19 x 20).
- (22) The quantity of each material or service in (14) actually delivered by the vendor. To be recorded by the participant on the "receiving report" copy. If different from (17), AA should change Column (17) to reflect actual quantity furnished and recompute item (21).
- (23) The total cost of each material or service in (14) actually delivered by the vendor. To be recorded by the participant on the "receiving report" copy.
- (24) The sum of (18).
- (25) The sum of (23).
- (26) The maximum amount of item (18) authorized for payment by the AA. This shall be the sum of (21).
- (27) Same as amount in (26).
- (28) Amount to be paid by the participant, (24) minus (26).
- (29) Item (27) minus (28).
- (30) Date materials or services were received by the participant.
- (31) The signature of the participant.
- (32) The date certification was signed by the participant.
- (33) Signature of the AA.
- (34) The date certification was signed by AA.

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\$505.70 RCWP cost share record.

ADMINISTERING AGENCY:	Any State	Conservation Agency	(1)	PROJECT NAME:	Any RCWP	(2)	DATE FY 1980	
STATE:	Any State		<th>LOCATION CODE:</th> <td>1492</td> <th>(3)</th> <th>10/2/79-12/31/79</th> <th>(4)</th>	LOCATION CODE:	1492	(3)	10/2/79-12/31/79	(4)
DATE	PARTICIPANT	CONTRACT NUMBER	PAYMENT APP. NO.	412 GRASSED WATERWAYS ACRES	410 GRADE STAB STRUCTURE 1/ NO.	COST SHARE	REFUND	
(5)	(6)	(7)	(8)	(9)	(10)	(11)		
10/5/79	A. Farmer	1	1	2.3	\$ 402.50	1	\$ 750.00	
10/8/79	B. Farmer	1	2				25.00	
10/8/79	C. Abbey	9	1	4.0	700.00	1	750.00	
10/11/79	A. Jones	2	3	(2.3)		\$402.50	3/	
10/15/79	D. Agnew	2					\$750.00	
12/31/79	First Quarter Report (12)							
	Total Cost Share Earned	\$2,602.50		6.3	1,102.50			
	Less Offsets and Refunds	1,177.50	(2.3)			\$402.50		
	Total Cost-share paid	\$1,425.00	4.0	1,102.50		\$402.50		

REMARKS: (13)

1/ Circle minus entries made for offsets and refunds. Continue columns as needed to record all BMP's cost-shared.

2/ C. Abbey. "Offset" waterway cost-share by \$25.00, due to previous 8/3/79 overpayment for grade stabilization structure cost-share payment.3/ D. Agnew. "Refund" contract terminated-sold farm 9/21/79.

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1. ADMINISTRATIVE AGENCY
Enter the name and location of the administering agency.
2. PROJECT NAME
Enter the name of project as identified in the project grant agreement.
3. LOCATION CODE
Enter the designated location code used in the SCS Progress Reporting System. Prepare a separate record for each location code identified in the RCWP project. The SCS state conservationist is to provide the location codes to the administering agency.
4. FY DATE
Enter the applicable Federal fiscal year and inclusive dates for the quarterly report.
5. DATE
Enter the date the cost-share transaction was made to the participant.
6. PARTICIPANT
Enter the name of the participant to whom cost-share payment, offset or refund is made.
7. CONTRACT NUMBER
Enter participant's contract number.
8. PAYMENT APPLICATION NUMBER
Enter the application for payment number from the Form SCS-B&F-141, Application for Payment, from which payment is made.
9. UNIT
Enter the extent BMP was applied (number, feet, acres).
10. COST SHARE
Enter the dollar amount of cost share earned and dollar amounts of offsets deducted. Circle offset amounts to denote a minus entry. Offsets may be deducted from the cost share earned in order to recover funds owed to the Federal Government.
11. REFUND
Record refunds received. Circle refund amounts to denote a minus entry. Refunds are payments made to the Federal Government by participants. Example: A contract is terminated because of sale of a participant's farm and the new owner does not continue the

contract. The original owner "refunds" to the Federal Government the amount of previous cost shares paid to the participant. Maintain a complete documentation of offset and refund transactions in the participant's contract folder.

12. QUARTERLY SUMMARY

Record total amounts of cost-shares earned, total offsets and refunds, and total cost shares paid. Record these totals in the administering agency's quarterly cost-share report to the Soil Conservation Service (see Exhibit §505.71, RCWP quarterly summary report).

13. REMARKS

Explain entries such as offsets or refunds.

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§505.71 RCWP cost share quarterly report.

ADMINISTERING AGENCY:		Any State Conservation Agency		PROJECT NAME:		Any RCWP		DATE FY 1980 10/1/79-12/31/79	
Location	Best Management Practice	Unit	Extent	Cost share				Cost share	
Code	Code	Title		Earned	Offset	Refund	Paid		
1492	412	Grassed Waterway	Ac.	40	(2.3) <u>1/</u>	\$1,102.50	\$ 402.50	\$ 700.00	
1492	410	Grade Stab. Structure	No.	1		<u>1,500.00</u>	<u>25.00</u>	<u>750.00</u>	<u>725.00</u>
		Subtotal--Location Code 1492		1		<u>\$2,602.50</u>	<u>\$25.00</u>	<u>\$1,152.50</u>	<u>\$1,425.00</u>
1493	342	Critical Area Planning	Ac.	1		460.00			
		TOTAL		-		\$3,062.50	\$25.00	\$1,152.50	\$1,885.00

NOTE: List BMP's separately for each location code
in the project area. SCS will provide location
codes to the administering agency.

1/ 2.3 acres of Grassed Waterway was deducted due to refund, 6.3 acres was installed during
the quarter.

§506.0 Glossary of terms.

Accrued expenditures. A liability, whether paid or unpaid, incurred for goods and services received, other assets acquired, and performance accepted during the accounting period. Expenditures accrue regardless of when cash payments are made, whether invoices have been rendered, or in some cases whether goods or other tangible property have been physically delivered.

Accrued income. The earnings during a given period which are a source of funds to the grantee resulting from services performed, goods and other tangible property delivered to purchasers, and amounts due the grantee for which no current services or performance are required.

Adequate level of participation. An adequate level of participation is reached when participants having control of 75 percent of the identified critical area or source of the pollution problem in the project area, are under contract.

Administering agency. A soil conservation district, State soil and water conservation agency, or State water quality agency that enters into an agreement with the SCS state conservationist to administer assigned responsibilities for RCWP projects; or ASCS, when USDA retains contract administration.

Administrative cost. Grant and fund transfer costs, including allowable costs incurred by the administering agency in contract administration. These costs, indirect and direct, include charges for personnel, travel, materials, and supplies. The costs are limited to a maximum of 5 percent of the Federal share for BMP cost.

Agreement. A legal instrument reflecting the relationship between SCS and the administering agency for performance of RCWP activities.

Agricultural nonpoint source pollution. Pollution originating from existing nonpoint sources that are (a) agriculturally related, including runoff from animal waste disposal areas and from land used for livestock and crop production, or (b) silviculturally related pollution.

Agricultural portion of a 208 plan. That portion of the 208 plan that deals with agriculture and those silvicultural activities related to farming and ranching enterprises.

Appeals board. A group of three or more individuals, including a hearing officer, established by the administering agency with the concurrence of the SCS state conservationist to review asserted contract violations, hear associated appeals, and report its findings, conclusions, decisions, and recommendations in State- or locally-administered projects.

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Application participant. An application submitted by a land owner or operator to the administering agency requesting an RCWP contract for his or her farm or ranch.

Application project. An RCWP application submitted by the governor to the SCS Administrator for assistance under the RCWP.

Average cost. The calculated cost, determined by recent actual local costs and current cost estimates, considered necessary for carrying out BMPs or an identifiable unit thereof.

Best management practice (BMP). A single practice or a system of practices to improve water quality included in the approved RCWP application that reduces or prevents agricultural nonpoint source pollution.

BMP cost. The amount of money actually paid or obligated to be paid by the participant for equipment use, materials, and services for carrying out BMP's or an identifiable unit of a BMP. If the participant uses his or her own resources, the cost includes the computed value of his or her own labor, equipment use, and materials.

Conservation district (CD). A subdivision of a State or territory organized pursuant to the State Soil Conservation District Law, as amended. In some States these are called soil conservation districts, soil and water conservation districts, resource conservation districts, or natural resource districts.

Contract. The legal document that includes the water-quality plan and is executed by the participant and the administering agency. It details the agreement between parties for carrying out BMPs on the participant's land.

Contracting officer (CO). The administering agency employee designated and authorized to enter into and administer contracts and make related determinations and findings regarding such contracts on behalf of the administering agency.

Cost-share level. The percentage of the total cost of installing BMPs included in the participant's contract that is paid by the administering agency.

Critical areas or sources. Those finite areas of sources of agricultural nonpoint source pollutants identified as having the most significant impact on the quality of the receiving waters.

Direct costs. Costs that can be specifically identified with the program.

Disbursements. The grantee's total cash payments made from program funds less refunds received during the reporting period.

Environmental assessment. A concurrent part of conservation planning in which the potential long- and short-term effects of an action on man, his physical or social surroundings, and nature are evaluated and alternative actions are explored.

Federal funds authorized. The total amount of funds authorized in the grant agreement.

Federal Management Circular FMC 74-4. "Cost Principles Applicable to Grants and Contracts with State and Local Governments."

Financial burden. The participant's contribution to the total cost of BMP's that would be inequitable or probably prevent participation in RCWP.

Fiscal year. The Federal fiscal year begins October 1 and ends September 30.

Followup. Maintaining contact with the land user to provide timely assistance in making decisions, helping implement decisions, helping the land user with new technology, encouraging continued progress in planning and implementation, and helping update objectives and decisions.

Group. Two or more land users who are cooperating to achieve group water quality objectives. They may use a pooling agreement to help accomplish these objectives.

Identifiable unit. A component of a BMP that can be clearly identified in carrying out BMP's in the water quality plan.

Implementation. The act of carrying out or executing decisions made during planning. May include both followup and application.

Indirect costs. Costs incurred by the grantee which are not identifiable with a specific program, but which benefit the joint program objective.

Inventories and evaluations. Resource data prepared, interpreted, analyzed, and evaluated for planning or implementation for water quality improvement. Includes but is not limited to soil interpretations (over and above those normally required for a published soil survey), land and water inventories, watershed data, land use, outdoor recreation information, plant and wildlife inventory data, and information on conservation practices or measures applied or needed. May include potentials and alternatives for land and water use and treatment.

Letter of credit -- Treasury Regional Disbursing Office System. The system whereby the letters of credit are maintained and serviced by Treasury disbursing centers and Treasury regional disbursing officers.

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Management agency. The Federal, State, interstate, regional, or local agency designated by the Governor to carry out the approved agricultural portion of the 208 water-quality management plans.

Nonpoint pollution. Pollution of water derived from an unconfined, diffused source, including but not limited to, land areas and return flows from agriculture from which pollutants are or may be discharged.

Obligations. Amounts of orders placed, contracts and agreements awarded, services rendered, and similar transactions during a given period that require payment.

OMB Circular A-34, "Instructions on Budget Execution."

OMB Circular A-102 (Rev.). Office of Management and Budget Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

Offsite benefits. Favorable effects of BMP's that occur away from the land of the participant receiving RCWP assistance and accrue to the public as a result of improved water quality.

Outlays. Charges made to the program. These should be reported on an accrual basis.

Participant. A land owner or operator who applies for and receives assistance under RCWP.

Participant's water quality plan. The plan that identifies critical agricultural nonpoint sources of water quality problems and sets forth BMP's which contribute to meeting the water quality objectives of the project.

Pooling agreement. An agreement between two or more land users to pool their resources to treat a common water quality problem.

Privately-owned rural land. Lands not held by Federal, State, or local governments that include cropland, pastureland, forest land, rangeland, and other associated lands.

Program income. Gross income earned by the federally-supported programs of the grantee. Such earnings exclude interest income and may include, but are not limited to, income from service fees, sales of commodities, usage or rental fees, sale of assets purchased with grant funds, and royalties on patents and copyrights.

Quality in the environment. Maintaining or improving the environment by reducing the amount of sediment going into lakes, reservoirs, and waterways; by flood prevention and flood plain management; by reducing air and water pollutants; by protecting fish and wildlife and improving

their habitat; and by erosion control, beautification, diversification, and prudent land use in both urban and rural areas; or by maintaining the existing ecosystems.

RCWP projects. The total system of BMP's, institutional arrangements, and technical, cost-sharing, and administrative assistance activities that are authorized in a RCWP project area.

Responsible Federal Official (RFO). The Federal official responsible for meeting the National Environmental Policy Act requirements. The SCS state conservationist is the RFO for RCWP projects.

Silvicultural. Science and art of cultivating (growing and tending) forest crops based on the knowledge of forestry. Silviculture-related pollution is included as agriculture nonpoint source pollution in the RCWP.

Standards and specifications. Requirements that establish the minimum acceptable quality level for planning, designing, installing, and maintaining BMP's.

State. Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

State water quality management plan. The plan developed by the State pursuant to requirements of Section 208 of PL 92-500.

Technical assistance cost. Direct and indirect costs associated with the preparation and review of participant water quality plans; design, layout and application of BMP's; and investigations associated with monitoring and evaluating progress toward meeting project objectives.

Treasury Circular 1075 (Rev.). Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

Unobligated balance. Federal funds authorized in the grant agreement less the grantee's outlays and obligations of grant funds.

Unpaid obligations. The amount of obligations incurred by the grantee which have not been paid.

Water quality assistance notes. Notes kept by SCS personnel in the case file for each individual, group, and unit of government receiving planning and implementation assistance. They are a concise, factual, and chronological narrative of significant water quality activities summarizing progress in planning and implementation.

§506.1 Secretary's Memorandum No. 1968 (RCWP)

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

December 15, 1978

SECRETARY'S MEMORANDUM NO. 1968

Rural Clean Water Program

Purpose

The purpose of this memorandum is to establish the Department's organizational structure for implementing Section 208(j) of the Federal Water Pollution Control Act, the Rural Clean Water Program (RCWP). All agencies of the Department are expected, within existing authorities, to support this effort of helping rural land owners and operators control nonpoint source pollution to improve the quality of the Nation's waters.

Background

Section 35 of the Clean Water Act of 1977 (Public Law 95-217) amends Section 208 of the Federal Water Pollution Control Act (Public Law 92-500) by adding a new implementing subsection (j) titled "Agricultural Cost Sharing."

Section 208 provides for the development of Water Quality Management plans by State and areawide planning agencies and for plan implementation. Subsection (j) authorizes the Secretary of Agriculture, with the concurrence of the Administrator, Environmental Protection Agency (EPA), to establish and administer a program to enter into long-term contracts of not less than 5 years nor more than 10 years for technical and cost-sharing assistance with eligible rural land owners and operators for the purpose of installing and maintaining best management practices to control nonpoint source pollution. The program is to be applicable in only those States or areas which have an approved agricultural portion of a Section 208 water quality management plan.

Program Coordination

There is established a National Rural Clean Water Coordinating Committee, chaired by the Administrator, Soil Conservation Service. This Committee is to include as members: Administrators of the Agricultural Stabilization and Conservation Service (ASCS), Farmers Home Administration (FmHA), and Conservation Economics, Statistics, and Cooperatives Service (ESCS), Soil Conservation Service (SCS), Director of Science and Education Administration (SEA); and the Chief, Forest Service (FS). The Assistant Administrator for Water and Waste Management, Environmental Protection Agency (EPA), will also be a member of the Committee.

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o The duties of the National Committee are to:

- coordinate individual agency programs with the Rural Clean Water Program;
- recommend to the Administrator, Soil Conservation Service, the Secretary's designee, the project areas to be funded for cost-sharing;
- advise the Administrator, Soil Conservation Service, the Secretary's designee, on the merits of proposed variances exceeding 50 percent cost-share rates;
- assist the Administrator, Soil Conservation Service, in determining program administration, technical assistance and cost-share needs;
- assist the Administrator, Soil Conservation Service, in mediating agency differences at the State level;
- periodically advise the Secretary and Assistant Secretary for Conservation, Research and Education of program and policy issues;
- recommend project areas and criteria for comprehensive joint USDA/EPA water quality monitoring, evaluation, and analyses.

The National Committee has recommended, and I concur, that there is a need for State Rural Clean Water Coordinating Committees to be established and chaired by the State Conservationists, Soil Conservation Service.

The Rural Clean Water Program rules and regulations will set forth the administration of the program and agency roles in implementing the program.

A handwritten signature in black ink, appearing to read "Bob Bergland". The signature is fluid and cursive, with "Bob" on the left and "Bergland" on the right, connected by a flourish.

Secretary of Agriculture

PUBLIC LAW 95-217—DEC. 27, 1977

91 STAT. 1579

AGRICULTURAL COST SHARING

SEC. 35. Section 208 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(j) (1) The Secretary of Agriculture, with the concurrence of the Administrator, and acting through the Soil Conservation Service and such other agencies of the Department of Agriculture as the Secretary may designate, is authorized and directed to establish and administer a program to enter into contracts, subject to such amounts as are provided in advance by appropriation acts, of not less than five years nor more than ten years with owners and operators having control of rural land for the purpose of installing and maintaining measures incorporating best management practices to control nonpoint source pollution for improved water quality in those States or areas for which the Administrator has approved a plan under subsection (b) of this section where the practices to which the contracts apply are certified by the management agency designated under subsection (c) (1) of this section to be consistent with such plans and will result in improved water quality. Such contracts may be entered into during the period ending not later than September 31, 1988. Under such contracts the land owner or operator shall agree—

Contracts
program,
establishment
and
administration.
33 USC 1288.

Contract terms.

"(i) to effectuate a plan approved by a soil conservation district, where one exists, under this section for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary;

"(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments and grants received thereunder, with interest, upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil conservation district, where one exists, and the Administrator, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

"(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder, with interest, unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

"(iv) not to adopt any practice specified by the Secretary on the advice of the Administrator in the contract as a practice which would tend to defeat the purposes of the contract;

"(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

"(2) In return for such agreement by the landowner or operator the Secretary shall agree to provide technical assistance and share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest and which are approved for cost shar-

Technical and
financial
assistance.

91 STAT. 1580

PUBLIC LAW 95-217—DEC. 27, 1977

ing by the agency designated to implement the plan developed under subsection (b) of this section. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the installation of the water quality management practices and measures under the contract, but not to exceed 50 per centum of the total cost of the measures set forth in the contract; except the Secretary may increase the matching cost share where he determines that (1) the main benefits to be derived from the measures are related to improving offsite water quality, and (2) the matching share requirement would place a burden on the land-owner which would probably prevent him from participating in the program.

**Contract
termination.**

"(3) The Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other conservation, land use, or water quality programs.

"(4) In providing assistance under this subsection the Secretary will give priority to those areas and sources that have the most significant effect upon water quality. Additional investigations or plans may be made, where necessary, to supplement approved water quality management plans, in order to determine priorities.

**Administration
agreements
reports and costs.**

"(5) The Secretary shall, where practicable, enter into agreements with soil conservation districts, State soil and water conservation agencies, or State water quality agencies to administer all or part of the program established in this subsection under regulations developed by the Secretary. Such agreements shall provide for the submission of such reports as the Secretary deems necessary, and for payment by the United States of such portion of the costs incurred in the administration of the program as the Secretary may deem appropriate.

**Regulations.
Part, p. 1588.**

"(6) The contracts under this subsection shall be entered into only in areas where the management agency designated under subsection (c)(1) of this section assures an adequate level of participation by owners and operators having control of rural land in such areas. Within such areas the local soil conservation district, where one exists, together with the Secretary of Agriculture, will determine the priority of assistance among individual land owners and operators to assure that the most critical water quality problems are addressed.

"(7) The Secretary, in consultation with the Administrator and subject to section 304(k) of this Act, shall, not later than September 30, 1978, promulgate regulations for carrying out this subsection and for support and cooperation with other Federal and non-Federal agencies for implementation of this subsection.

**16 USC 1001
note.
Appropriation
authorization.**

"(8) This program shall not be used to authorize or finance projects that would otherwise be eligible for assistance under the terms of Public Law 88-566.

"(9) There are hereby authorized to be appropriated to the Secretary of Agriculture \$200,000,000 for fiscal year 1979 and \$400,000,000 for fiscal year 1980, to carry out this subsection. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other public law."

	<u>Regulations Section</u>	<u>Manual Section</u>	<u>Manual Page No.</u>
A-95 Clearinghouse process preapplication review	634.13(a) --	501.10, 501.11(g)	500-3 501-5
Access to land unit and records	634.27(i)	502.60	502-33
Acreage limitation for contracts	634.12(c) --	501.0,1 502.31(c)	501-1 502-17
Adequate level of participation definition regulations percent under contract	634.5(a) 634.12(b) --	506.0 501.0 501.2	506-1 501-1 501-2
Administering agency approval of definition of qualifications of replacement of responsibilities of selection of	634.5(b) 634.17(c)(1) 634.4(p) 634.4(c)(17) 634.4(q)(1)	500.11 502.28 500.21 500.21 500.21	500-7 502-14 500-17 500-12 500-18
Administration	634.3	500.10	500-7
Administrative costs	634.5(c)	506.6	506-1
Applications - see Project applications	634.13(a)		
Application from governor			
Appeals - see Contracts, Grant agreements, Project			
Appeals board	634.5(g)		
Approval of water quality plan by soil conservation district	634.23(g)		
Authorization of program	634.1(a)		
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